

TITLE XV: LAND USAGE

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CHAPTER 150: BUILDING REGULATIONS

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ADOPTION OF STANDARD CODES

§ 150.01 INTERNATIONAL FIRE CODE.

(A) *Adoption.* A certain document, 1 copy of which is on file in the office of the City Clerk of the City of LaSalle, 1 copy of which is on file in the office of the Building Inspector and 1 copy of which is available at the LaSalle Public Library, all copies being marked and designated as the *International Fire Code, 2003 edition*, including Appendix Chapters B, C, D and E, as published by the International Code Council, Inc. is hereby adopted as the Fire Code of the City of LaSalle in the State of Illinois; for regulating and governing the safeguarding of life and property from fire and explosion hazards arising from the occupancy of buildings and premises as herein provided; providing for the issuance of permits and collection of fees therefore; and each and all of the regulations provisions, penalties, conditions and terms of said Fire Code, are hereby referred to, adopted and made a part hereof, as if fully set out in this section, with the additions, insertions, deletions and changes, if any prescribed in division (B) below of this section.

(B) *Additions, insertions and changes.* The following sections are hereby revised as follows:

(1) Section 101.1 Title. Insert: "City of LaSalle."

(2) Section 102.6 Referenced codes and standards. Add the following:

"102.6.1 Building. All references to the International Existing Building Code shall be replaced with the following "Chapter 34 of the International Building Code."

102.6.2 Electrical. The provisions of the National Electric Code as amended by City ordinances shall apply to the installation of electrical systems, including alterations, repairs, replacement, equipment, appliances, fixtures, fittings and appurtenances thereto. All references in the Fire Code to the International Electric Code shall be replaced by the National Electric Code as amended by City ordinances.

102.6.3 Plumbing. The provisions of the State of Illinois Plumbing Code shall apply to the installation, alterations, repairs and replacement of plumbing systems, including equipment, appliances, fixtures, fittings and appurtenances. Private sewage disposal systems shall comply with the State of Illinois Department of Public Health regulations. All references in the Fire Code to the International Plumbing Code shall be replaced by the State of Illinois Plumbing Code."

(3) Section 109.3 Violation Penalties. Delete the text of Section 108.4 and substitute the following: "Any person who shall violate a provision of this code or shall fail to comply with any of the requirements thereof or who shall erect, install, alter or repair or do work in violation of the approved construction documents or directive of the building inspector or in violation of a permit or certificate issued under the provisions of this code, or who shall fail to comply with an order issued by the fire code

official shall, upon conviction be sentenced to pay a fine of not less than \$50 nor more than \$500. Each day that a violation continues shall be deemed a separate violation."

(4) Section 111.4 Failure to Comply Insert "\$50" and "\$500."

(C) *Geographic limits.* The geographic limits referred to in certain sections of the 2003 *International Fire Code* are hereby established as follows:

(1) Section 3204.3.1.1 (geographic limits in which the storage of flammable cryogenic fluids in stationary containers is prohibited): "All areas other than those zoned M-1 or M-2 within the corporate limits of the City of LaSalle."

(2) Section 3404.2.9.5.1 (geographic limits in which the storage of Class I and Class II liquids in above-ground tanks outside of buildings is prohibited): "All areas with residential zoning (areas zoned R-1, R-2, R-3 and R-4) within the corporate limits of the City of LaSalle."

(3) Section 3406.2.4.4 (Geographic limits in which the storage of Class I and Class II liquids in above-ground tanks is prohibited): "All areas with residential zoning (areas zoned R-1, R-2, R-3 and R-4) within the corporate limits of the City of LaSalle."

(4) Section 3804.2 (geographic limits in which the storage of liquid petroleum gas is restricted for the protection of heavily populated or congested areas): "All areas with residential zoning (areas zoned R-1, R-2, R-3 and R-4) within the corporate limits of the City of LaSalle."

(Ord. 1793, passed 3-31-2003)

§ 150.02 INTERNATIONAL FUEL GAS CODE.

(A) *Adoption.* A certain document, 1 copy of which is on file in the office of the City Clerk of the City of LaSalle, 1 copy of which is on file in the office of the Building Inspector and 1 copy of which

is available at the LaSalle Public Library, all copies being marked and designated as the International Fuel Gas Code, as published by the International Code Council, Inc. be and is hereby adopted as the Fuel Gas Code of the City of LaSalle in the State of Illinois; for regulating and governing fuel gas systems and gas-systems and gas-fired appliances in the City of LaSalle; providing for the issuance of permits and collection of fees therefore; and each and all of the regulations provisions, penalties, conditions and terms of said Fuel Gas Code, are hereby referred to, adopted and made a part hereof, as if fully set out in this section, with the additions, insertions, deletions and changes, if any prescribed in division (B) of this section.

(B) *Additions, insertions and changes.* The following sections are hereby revised as follows:

(1) Section 101.1 Title. Insert: "City of LaSalle."

(2) Section 101.2 Exception. Delete the text of the exception of Section 101.2 and substitute the following: "Detached one-and two-family dwellings and their accessory structures shall comply with the International Residential Code."

(3) Section 102.8 Referenced codes and standards. Add the following:

"102.8.1 Electrical. The provisions of the National Electric Code, as amended by City ordinances shall apply to the installation, alterations, repairs and replacement of electrical systems, including equipment, appliances, fixtures, fittings and appurtenances. All references in the Fuel Gas Code to the International Electric Code shall be replaced by the National Electric Code as amended by City ordinances.

102.8.2 Plumbing. The provisions of the State of Illinois Plumbing Code shall apply to the installation, alterations, repairs and replacement of plumbing systems, including equipment, appliances, fixtures, fittings and appurtenances. Private sewage disposal systems shall comply with the State of Illinois

Department of Public Health regulations. All references in the Fuel Gas Code to the International Plumbing Code shall be replaced by the State of Illinois Plumbing Code."

(4) Section 106.3 Application for permit. Add: "106.3.2 Additional permits, approvals or certificates. If additional permits, approvals or certificates are required by other agencies, including but not limited to the Illinois Environmental Pollution Agency, LaSalle County Health Department, Department of Natural Resources or Illinois Department of Transportation, such permits, approvals or certificates shall be submitted with the building permit application and no permit shall be issued unless said documents are received by the Building Inspector."

(5) Section 106.5.2 Fee Schedule. Delete the text of Section 106.5.2 and substitute the following: "The fees for mechanical work shall be considered incidental to the cost of the building permit issued in accordance with the Building Code of the City of LaSalle."

(6) Section 106.5.3 Fee Refunds. Delete the text of Section 106.5.3

(7) Section 108.2 Notice of Violation. Add: "All notices and orders shall be in writing and shall indicate the conduct which constitutes a violation and make reference to the section(s) violated thereby. The notices or orders shall be served in person or by certified mail, or in such other manner as appropriate to provide notice."

(8) Section 108.4 Violation Penalties. Delete the text of Section 108.4 and substitute the following: "Any person who shall violate a provision of this code or shall fail to comply with any of the requirements thereof or who shall erect, install, alter or repair work in violation of the approved construction documents or directive of the building inspector or in violation of a permit or certificate issued under the provisions of this code, or who shall fail to comply with an order issued by the Building Inspector shall, upon conviction be sentenced to pay

a fine of not less than \$50 nor more than \$500. Each day that a violation continues shall be deemed a separate violation.”

(9) Section 108.5 Stop Work Orders. Insert: “\$50” and “\$500.”

(10) Section 109.2 Membership of the board. Delete the text of Section 109.2 and substitute the following: “The board of appeals shall consist of the membership of the Zoning Board of Appeals.” (Ord. 1794, passed 3-31-2003)

§ 150.03 NATIONAL ELECTRICAL CODE.

(A) *Adoption; compliance required.*

(1) For the purposes of supplementing the provisions and regulations contained in this Title, and for setting forth minimum standards for the installation of electrical wiring, the city hereby adopts by reference the standards, specifications, rules and regulations of the National Fire Protection Association as compiled and published as the *National Electrical Code, 2002 Edition*, (NFPA No. 70-2002), hereinafter referred to as the NEC, Article 80 of the NEC, 1 copy of which shall be kept on file in the City Clerk's office, 1 copy of which shall be kept on file in the Building Inspector's office and 1 copy of which shall be kept in the LaSalle Public Library, all copies to be available for public inspection.

(2) No electrical wiring for heat, light and power shall be installed in a building or structure, nor shall an alteration or an extension of an existing electrical wiring system be made except in conformity with the provisions of this section and the *National Electrical Code, 2002 Edition*, (NFPA No. 70-2002).

(3) In case of conflict between the NEC and the rules and regulations herein specified, the rules and regulations contained in this section shall prevail.

(B) *Application for service installation.*

(1) Any person desiring to make an electrical service installation in any premises as defined in this section shall make application to make such installation and for service connection of the premises with a private electric power utility, to the city on a printed form provided by said city. The application shall be signed by the owner of the premises in which the installation will be made. With every such application, there shall be paid to the city the minimum fee of \$10.

(2) All applications shall also contain the printed agreement thereon that the applicant will conform to and abide by all the rules, regulations and provisions of ordinances of the city pertaining to the installation and maintenance of electric wiring, fixtures and appliances then or thereafter in force.

(C) *Plans and specifications.*

(1) *Filing required.* The application shall contain a statement of the nature and extent of the electrical installation and the name and address of the electrical contractor who will perform the work or service.

(a) The owner or contractor shall file with the City Building Inspector detailed plans and specifications for such electrical installation for use of the city in making inspections of the installation.

(b) No installation shall commence until such plans and specifications have been furnished to and approved by the Building Inspector.

(2) *Wiring requirements.* All plans shall include the wiring layout, with the location of outlets, distribution facilities and the size of wire to be used. All work performed and all materials used shall be in accordance with the plans and specifications submitted with the application for permit and any revisions or changes from the plans submitted shall be considered a violation unless approved by the Building Inspector.

(3) *Single-family residences.* Plans for single-family residences shall include the location and size of service entrance equipment.

(4) *Other residences.* Plans for other than single- and 2-family residences shall include a riser diagram, fixture schedule, panel schedule, motor list, location of service entrance equipment, details of wall penetration for service entrance connected load and demand factor used to calculate load demand, and all such drawings and plans will require a professional engineer's or architect's seal.

(5) *Possible exemptions.* At the discretion of the Building Inspector or his or her designee, minor modifications, alterations or additions to existing facilities may not require a professional engineer's or architect's seal.

(6) *Approval.* Approval of detailed plans and specifications by the Building Inspector will not constitute responsibility by the city for adequacy, completeness, correctness or reliability of the plans and specifications. The final responsibility for the plans and specifications rests with the professional engineer or architect whose seal appears on the plans and specifications or, in the case where the requirement of a professional engineer's or architect's seal is waived, upon the person who submits the plans and specifications with the permit application.

(D) *Occupancy permit required.* When all electrical work has been completed, the Building Inspector shall endorse the permit, such endorsement meaning that all electrical work pursuant to the permit has been completed and inspected and that all fees have been paid. An occupancy permit shall not be issued for any premises until such copy of the permit has been filed and all fees have been paid.

(E) *Electrical inspections.*

(1) The city requires that inspections be made during the installation of the electric wiring system to assure compliance with this section. The owner or contractor shall give 24-hours' notice to the city and shall obtain an appointment period during

which such inspection shall take place. The city may require a representative of the electrical contractor or the electrician installing the electric wiring system to be present on the site with plans and specifications which were submitted for the permit when the Building Inspector makes his or her inspection.

(2) Rough inspections are required before any work is concealed or covered such as walls and concrete. A red tag will indicate a violation or violations exist. Violations must be corrected before the electric wiring system is covered or concealed and approval of work obtained. Approval shall be indicated by the placing of a yellow tag with the Building Inspector's or his or her designee's signature.

(3) Final inspection and approval by the Building Inspector of the completed electrical installation shall be made before an occupancy permit is issued. Permanent electrical service can be installed, at the option of the Building Inspector, as soon as the service riser, meter socket, main disconnect and interconnecting conduit and conductors are properly installed and grounded.

(F) *Additions, insertions and changes.*

(1) Article 80.15 - Delete the text of Article 80.15 and substitute the following: "The Zoning Board of Appeals shall serve as the Electric Board for the purpose of hearing appeals related to the City's Electric Code."

(2) Article 80.23(B)(3) - Delete the text of Article 80.23(B)(3) and insert the following: "Any person, firm, or corporation who shall willfully violate any of the applicable provisions of this article shall upon conviction thereof, be punished by a fine of not less than \$50 or more than \$500 for each offense. Each day that a violation continues shall be deemed a separate violation."

(3) Article 80.25 - Notification: Delete the text of Article 80.25(C) and insert the following: "Notification. If, within five business days after the Building Inspector is notified in writing of the completion of an installation of electric equipment,

other than a temporary approval installation, the Building Inspector has neither authorized connection nor disapproved the installation, the supplier of electricity is authorized to make connections and supply electricity to such installation.”

(4) Article 80.27 Inspector's Qualifications
- Delete the text of Article 80.27.

(5) Article 80.29 Liability for Damages -
Insert the following: “City of LaSalle.”

(6) Article 80.35 Effective Date - Insert the following: “fourteen, 14.”

(7) Article 230.1 Scope - Add the following: “All service installations shall comply with the standards and requirements as designated by the local electric utility. In case of conflict between the NEC and the rules and regulations as specified by the local electric utility, the rules and regulations as established by the local electric utility shall prevail. No service meter shall be installed or electric service provided to a building without approval by the Building Inspector, which shall be designated by a yellow “APPROVED” sticker attached to the meter base by the Building Inspector.”

(8) Article 310.2 Conductors - Delete the text of Article 310.2 (B) and substitute the following: “Conductor Material. Conductors in this article shall be of copper. Aluminum is only approved for use by the local electric utility for service installations.”

(9) Article 320 - Armored Cable (BX): This may only be used as an extension to an existing system of a residence where it is impossible to use conduit. This method will not be used in a basement; except for a short piece to connect to junction box

(10) Article 322 Flat Cable Assemblies: Type FC and Article 324: - Flat conductor Cable: Type FCC - Can be used only for the repair of existing systems.

(11) Article 334 - Nonmetallic-Sheathed Cable - This method will only be allowed in 1 or 2-family dwellings and shall only be allowed in floors located above grade. In no case will this method be allowed in a basement or any other story located below grade.

(12) Article 338 - Service-Entrance Cable: Use of this method is not permitted unless approved by the Building Inspector.

(13) Article 340 - Underground Feeder and Branch Circuit Cable: Paragraph 340-10(4) is not acceptable. Type OF Cable shall not be used in any basement or other story located below grade.

(14) Article 362 - Electrical Nonmetallic Tubing - Type ENT: Use of this method is only permitted in concealed locations in all uses.
(Ord. 1795, passed 3-31-2003)

§ 150.04 INTERNATIONAL BUILDING CODE.

(A) *Adoption of building code.* That a certain document, 1 copy of which is on file in the office of the City Clerk of the City of LaSalle, 1 copy of which is on file in the office of the Building Inspector and 1 copy of which is available at the LaSalle Public Library, all copies being marked and designated as the *International Building Code* including Appendix Chapter F, Chapter H and Chapter J, as published by the International Code Council, Inc. be and is hereby adopted as the Building Code of the City of LaSalle in the State of Illinois; for control of buildings and structures as herein provided; and each and all of the regulations provisions, penalties, conditions and terms of said Building Code, are hereby referred to, adopted and made a part hereof, as if fully set out in this section, with the additions, insertions, deletions and changes, if any prescribed in division (B) of this section.

(B) *Additions, insertions and changes.* The following sections are hereby revised as follows:

(1) Section 101.1 Title. Insert: "City of LaSalle."

(2) Section 101.2 Exception. Delete the text of the exception of Section 101.2 and substitute the following: "Detached one- and two-family dwellings and their accessory structures shall comply with the International Residential Code."

(3) Section 101.4.1 Electrical. Delete the text of Section 101.4.1 and substitute the following: "The provisions of the National Electric Code, as amended by City ordinances shall apply to the installation, alterations, repairs and replacement of electrical systems, including equipment, appliances, fixtures, fittings and appurtenances. All references in the Building Code to the International Electric Code shall be replaced by the National Electric Code as amended by City ordinances."

(4) Section 101.4.4 Plumbing. Delete the text of Section 101.4.4 and substitute the following: "The provisions of the State of Illinois Plumbing Code shall apply to the installation, alterations, repairs and replacement of plumbing systems, including equipment, appliances, fixtures, fittings and appurtenances. Private sewage disposal systems shall comply with the State of Illinois Department of Public Health regulations. All references in the Building Code to the International Plumbing Code shall be replaced by the State of Illinois Plumbing Code."

(5) Section 105.2 Work Exempt from Permit. Delete the text of No. 2 in the listing under the subtitle "Building."

(6) Section 105.3.1 Action on Application. Add: "The Building Inspector is permitted to waive review and examination of the plan and specifications if the registered architect or engineer who prepared the plans and specifications certifies that they conform to the requirements of the City Building Code."

(7) Section 106.1 Submittal documents - Add: "If additional permits, approvals or certificates are required by other agencies, including but not limited to the Illinois Environmental Pollution Agency, LaSalle County Health Department, Department of Natural Resources or Illinois Department of Transportation, such permits, approvals or certificates shall be submitted with the building permit application and no permit shall be issued unless said documents are received by the Building Inspector."

(8) Section 106.2 Site Plan - Add: "Section 106.2.1 - Storm Water Control - All multi-family residential, commercial and industrial sites shall submit a site plan indicating the design of a storm water control facility which has been designed by a registered professional engineer. Said site plan shall bear the engineer's seal and be accompanied by design calculations. All such facilities shall be designed to discharge a flow at or below the amount discharged by the site in its undeveloped state and shall be designed in accordance with the standards as designated by the City Engineer."

(9) Section 108.4 Work commencing before permit issuance. Add: "The additional fee required to be paid by anyone failing to obtain a permit prior to beginning of construction shall be set at \$100."

(10) Section 113.2 Notice of Violation. Add: "All notices and orders shall be in writing and shall indicate the conduct which constitutes a violation and make reference to the section(s) violated thereby. The notices or orders shall be served in person or by certified mail, or in such other manner as appropriate to provide notice."

(11) Section 113.4 Violation Penalties. Delete the text of Section 113.4 and substitute the following: "Any person who shall violate a provision of this code or shall fail to comply with any of the requirements thereof or who shall erect, construct, alter or repair a building or structure in violation of an approved plan or directive of the building inspector or in violation of a permit or certificate issued under the

provisions of this code, or who shall fail to comply with an order issued by the Building Inspector shall, upon conviction be sentenced to pay a fine of not less than \$50 nor more than \$500. Each day that a violation continues shall be deemed a separate violation."

(12) Section 112.3 Qualifications. Add: "The Zoning Board of Appeals shall serve as the Board of Appeals for the City Building Code."

(13) Section 705.1. "The provisions of this Section shall apply to all multiple-family structures containing three or more living units; one or more living units in a structure containing any other type of use such as business or industrial; or any size commercial, business or industrial building without living units. The fire resistance rating of structural elements (including outside walls and floors) and tenant separation or party walls, shall be a minimum of two hours, except that the required fire resistance rating and tenant separation or party shall be a minimum of one hour for business or commercial occupancies which are equipped with a fire suppression and fire alarm system throughout the structure.

Exterior wall construction shall be masonry. Brick veneer construction shall not be permitted. All floors shall be of pre-cast concrete type, poured concrete type, or other type having at least a two hour resistance rating. It is additionally provided hereunder that whenever the building under consideration is of such an unusual size or shape or is surrounded by such development or unusual conditions that the strict application of the requirements contained in this Ordinance would result in real difficulties or substantial hardship or injustice, the City Council may upon application to the City Council, within its discretion to be appropriately exercised, vary or modify such requirements so that the owner of the premises may develop the property in a reasonable manner but so that at the present time the public welfare and interest of the City and surrounding area are protected and the general intent and spirit of this Ordinance preserved."

(14) Section 1612 relating to Flood Loads is deleted in its entirety. All regulations related to flood

loads and construction in the floodplain shall be governed by Ordinance 2282 (see Chapter 151).

(15) Section 3410.2 Applicability. Delete the paragraph in its entirety and substitute the following: "Structures existing prior to April 1, 2003, in which there is work involving additions, alterations or changes of occupancy shall be made to conform to the requirements of this section or the provisions of Sections 3403 through 3407. The provision in Sections 3410.1 through 3410.2.5 shall apply to existing occupancies that will continue to be, or are proposed to be, in Groups A, B, E, F, M, S and U. These provisions shall not apply to buildings with occupancies in Group H, I or R.

(C) *Additional definitions.* As used in this section and the International Building Code, the following terms shall have the following meanings:

(1) The term "jurisdiction" shall mean the City of LaSalle.

(2) The term "Building or Code Official" and/or "Building Inspector" shall mean the person referred to in this section, who is responsible for code administration and enforcement for the City of LaSalle, or the person so designated as such by the City of LaSalle.

(3) The term "*International Building Code*" or "Code" shall mean the edition of the International Building Code most recently adopted by the City of LaSalle.

(Ord. 1796, passed 3-31-2003; Am. Ord. 1957, passed 5-22-2006)

§ 150.05 INTERNATIONAL PROPERTY MAINTENANCE CODE.

(A) *Adoption.* A certain document, 1 copy of which is on file in the office of the City Clerk of the City of LaSalle, 1 copy of which is on file in the office of the Building Inspector and 1 copy of which is available at the LaSalle Public Library, all copies being marked and designated as the *International Property Maintenance Code*, as published by the

International Code Council, Inc. be and is hereby adopted as the Property Maintenance Code of the City of LaSalle in the State of Illinois; for control of buildings and structures as herein provided; and each and all of the regulations provisions, penalties, conditions and terms of said Property Maintenance Code, are hereby referred to, adopted and made a part hereof, as if fully set out in this section, with the additions, insertions, deletions and changes, if any prescribed in division (B) of this section.

(B) *Additions, insertions and changes.* The following sections are hereby revised as follows:

(1) Section 101.1 Title. Insert: "City of LaSalle."

(2) Section 101.3 Intent. Delete the last sentence.

(3) Section 102.3 Application of other codes. Delete the text of Section 102.3 and substitute the following: "Repairs, additions or alterations to a structure, or changes of occupancy, shall be done in accordance with the procedures and provisions of the International Building Code, the International Residential Code, State of Illinois Plumbing Code, International Mechanical Code, International Fuel Gas Code, International Fire Code and the National Electric Code. Nothing in this code shall be construed to cancel, modify or set aside any provision of the City of LaSalle Zoning Ordinance No. 590 or any amendments thereof."

(4) Section 102.7 Referenced codes and standards. Add the following: "102.7.1 Electrical. The provisions of the National Electric Code, as amended by City ordinances shall apply to the installation, alterations, repairs and replacement of electrical systems, including equipment, appliances, fixtures, fittings and appurtenances. All references in the Property Maintenance Code to the International Electric Code shall be replaced by the National Electric Code as amended by City ordinances. 102.7.2 Plumbing. The provisions of the State of Illinois Plumbing Code shall apply to the installation, alterations, repairs and replacement of plumbing systems, including equipment, appliances, fixtures,

fittings and appurtenances. Private sewage disposal systems shall comply with the State of Illinois Department of Public Health regulations. All references in the Property Maintenance Code to the International Plumbing Code shall be replaced by the State of Illinois Plumbing Code."

(5) Section 103.5 Fees. Delete the text of Section 103.5 and substitute the following: "The fees for activities and services performed by the department in carrying out its responsibilities under this code shall be as established by the building department. In the event that the building permit is not secured prior to commencement of construction, the permit fee shall be increased by an additional \$100."

(6) Section 106.4 Violation Penalties. Delete the text of Section 106.4 and substitute the following: "Any person who shall violate a provision of this code or shall fail to comply with any of the requirements thereof or who shall erect, construct, alter or repair a building or structure in violation of an approved plan or directive of the building inspector or in violation of a permit or certificate issued under the provisions of this code, or who shall fail to comply with an order issued by the Building Inspector shall, upon conviction, be sentenced to pay a fine of not less than \$50 nor more than \$500. Each day that a violation continues shall be deemed a separate violation."

(7) Section 111. The Zoning Board of Appeals shall serve as the Board of Appeals as referenced by this code.

(8) Section 302.4 Insert "six (6) inches."

(9) Section 304.14 Insert "May 1 to September 30."

(10) Section 602.3 Insert "October 1 to May 31."

(11) Section 602.4 Insert "October 1 to May 31."

(12) Section 604.2 Add the following: "If the meter is removed at any time, the service shall be upgraded to a minimum of 100 amperes."

(13) Section 605.2 Delete the last sentence and add the following: "All bathroom receptacles and receptacles serving the kitchen counter shall be of the ground fault circuit interrupter type."

(14) Section 702(F), means of egress, the following addition is made thereto: "It shall be unlawful in any place or in any manner to block, impede, hamper, occupy or obstruct the immediate means of egress from any fire escape which provides any means of egress, or emergency means of egress or rescue from any building or structure within the City of LaSalle." That the penalty for violating this division (14) shall be as provided within division (B)(6) of this section.

(C) *Additional definitions.* As used in this section and the International Property Maintenance Code, the following terms shall have the following meanings:

(1) The term "jurisdiction" shall mean the City of LaSalle.

(2) The term "Building or Code Official" and/or "Building Inspector" shall mean the person referred to in this section who is responsible for code administration and enforcement for the City of LaSalle.

(3) The term "International Building Code" or "Code" shall mean the 2003 edition of the International Building Code or the edition most recently adopted by the City of LaSalle.

(D) That Ordinance Number 1138 of the City of LaSalle, entitled Unsafe or Dangerous Building Ordinance is hereby superceded by this section to the extent that Ordinance 1138 is in conflict herewith. To the extent that Ordinance No. 1138 is not in conflict herewith, said ordinance is not superceded and shall remain in full force and effect. Additionally, all other ordinances or parts thereof in conflict with this section are hereby superceded by this section to the extent in conflict herewith; any prior ordinances, or parts thereof, not in conflict herewith, are not superceded

by this section and shall remain in full force and effect.

(Ord. 1797, passed 3-31-2003; Am. Ord. 1973, passed 7-31-2006; Am. Ord. 2035, passed 9-25-2006)

§ 150.06 INTERNATIONAL RESIDENTIAL CODE.

(A) *Adoption of residential code.* A certain document, 1 copy of which is on file in the office of the City Clerk of the City of LaSalle, 1 copy of which is on file in the office of the Building Inspector and 1 copy of which is available at the LaSalle Public Library, all copies being marked and designated as the *International Residential Code, 2003 edition*, including Appendix Chapter A, Chapter B, Chapter C, Chapter D, Chapter F, Chapter G, Chapter K and Chapter L, as published by the International Code Council, Inc. be and is hereby adopted as the Residential Code of the City of LaSalle in the State of Illinois; for regulating and governing the construction, alteration, movement, enlargement, replacement, repair, equipment, location, removal and demolition of detached 1 and 2 family dwellings and multiple single family dwellings (townhouses) not more than 3 stories in height with separate means of egress as herein provided; providing for the issuance of permits and collection of fees therefor; and each and all the regulations provisions, penalties, conditions and terms of said Residential Code on file in the office of the City of LaSalle are hereby referred to, adopted and made a part hereof, as if fully set out in this section, with the additions, insertions, deletions and changes, if any prescribed in division (B) of this section.

(B) *Additions, insertions and changes.* The following sections are hereby revised as follows:

(1) Section R101.1 Title. Insert: "City of LaSalle."

(2) Section R101.2 Exception. Delete the text of the exception of Section RIO 1.2 and substitute the following: "Exception: Existing buildings undergoing repair , alteration or additions, and change

of occupancy shall be permitted to comply with the International Building Code.”

(3) Section R102.4 Referenced codes and standards. Add the following to the exception: “The provisions of the State of Illinois Plumbing Code shall apply to the installation, alterations, repairs and replacement of plumbing systems, including equipment, appliances, fixtures, fittings and appurtenances. Private sewage disposal systems shall comply with the State of Illinois Department of Public Health regulations. The provisions of the National Electric Code, as amended by City ordinances shall apply to the installation, alterations, repairs and replacement of electrical systems, including equipment, appliances, fixtures, fittings and appurtenances. All references in the Residential Code to the International Electric Code shall be replaced by the National Electric Code as amended by City ordinances. All regulations related to flood loads and construction in the floodplain shall be governed by Ordinance 2282.”

(4) Section R105.2 Work Exempt from Permit. Delete the text of No. 1 and No. 2 in the listing under the subtitle “Building.”

(5) Section R106.1 Submittal documents. Add: “If additional permits, approvals or certificates are required by other agencies, including but not limited to the Illinois Environmental Pollution Agency, LaSalle County Health Department, Department of Natural Resources or Illinois Department of Transportation, such permits, approvals or certificates shall be submitted with the building permit application and no permit shall be issued unless said documents are received by the Building Inspector.”

(6) Section R108.4 Related fees. Add: “The additional fee required to be paid by anyone failing to obtain a permit prior to beginning of construction shall be set at \$100.”

(7) Section R112.3 Qualifications. Add: “The Zoning Board of Appeals shall serve as the Board of Appeals for the City Building Code.”

(8) Section R113.2 Notice of Violation - Add: "All notices and orders shall be in writing and shall indicate the conduct which constitutes a violation and make reference to the section(s) violated thereby. The notices or orders shall be served in person or by certified mail, or in such other manner as appropriate to provide notice."

(9) Section R113.4 Violation Penalties - Delete the text of Section 113.4 and substitute the following: "Any person who shall violate a provision of this code or shall fail to comply with any of the requirements thereof or who shall erect, construct, alter or repair a building or structure in violation of an approved plan or directive of the building inspector or in violation of a permit or certificate issued under the provisions of this code, or who shall fail to comply with an order issued by the Building Inspector shall, upon conviction be sentenced to pay a fine of not less than \$50 nor more than \$500. Each day that a violation continues shall be deemed a separate violation."

(10) Section R112.3 Qualifications. Delete the text of this section and insert the following: "The board of appeals shall consist of the membership of the Zoning Board of Appeals."

(11) Section R502.11.1 Design. Add the following: "Engineered trusses for flooring which utilize metal for the truss portion of the floor joist shall not be allowed."

(C) *Additional definitions.* As used in this section and the International Building Code, the following terms shall have the following meanings:

(1) The term "jurisdiction" shall mean the City of LaSalle.

(2) The term "Building or Code Official" and/or "Building Inspector" shall mean the person referred to in this section who is responsible for code administration and enforcement for the City of LaSalle or the person so designated as such by the City of LaSalle.

(3) The term "International Building Code" or "Code" shall mean the edition of the International Building Code most recently adopted by the City of LaSalle.

(Ord. 1798, passed 3-31-2003)

§ 150.07 INTERNATIONAL MECHANICAL CODE.

(A) *Adoption.* A certain document, 1 copy of which is on file in the office of the City Clerk of the City of LaSalle, 1 copy of which is on file in the office of the Building Inspector and 1 copy of which is available at the LaSalle Public Library, all copies being marked and designated as the *International Mechanical Code, 2003 edition*, including Appendix A, as published by the International Code Council, Inc. be and is hereby adopted as the Mechanical Code of the City of LaSalle in the State of Illinois; for regulating and controlling the design, construction, quality of materials, erection, installation, alteration, repair, location, relocation, replacement, addition to, use or maintenance of mechanical systems in the City of LaSalle; providing for the issuance of permits and collection of fees therefor; and each and all of the regulations provisions, penalties, conditions and terms of such *International Mechanical Code, 2003 edition*, published by the International Code Council, on file in the office of the City of LaSalle are hereby referred to, adopted and made a part hereof, as if fully set out in this section with the additions, insertions, deletions and changes, if any prescribed in division (B) of this section.

(B) *Additions, insertions and changes.* The following sections are hereby revised as follows:

(1) Section 101.1 Title. Insert: "City of LaSalle".

(2) Section 106.5.2 Fee Schedule. Delete the text of Section 106.5.2 and substitute the following: "The fees for mechanical work shall be considered incidental to the cost of the building permit issued in accordance with the Building Code of the City of LaSalle."

(3) Section 106.5.3 Fee Refunds. Delete the text of Section 106.5.3.

(4) Section 108.2 Notice of Violation. Add: "All notices and orders shall be in writing and shall indicate the conduct which constitutes a violation and make reference to the section(s) violated thereby. The notices or orders shall be served in person or by certified mail, or in such other manner as appropriate to provide notice."

(5) Section 108.4 Violation Penalties. Delete the text of Section 108.4 and substitute the following: "Any person who shall violate a provision of this code or shall fail to comply with any of the requirements thereof or who shall erect, construct, alter or repair mechanical work in violation of an approved plan or directive of the building inspector or in violation of a permit or certificate issued under the provisions of this code, or who shall fail to comply with an order issued by the Building Inspector shall, upon conviction be sentenced to pay a fine of not less than \$50 nor more than \$500. Each day that a violation continues shall be deemed a separate violation."

(6) Section 108.5 Stop Work Orders. Delete the last sentence of this section and insert the following: "Any person who shall continue any work on the system after having been served with a stop work order, except such work as that person is directed to perform to remove a violation or unsafe condition, shall be liable to a fine of not less than \$50 nor more than \$500 dollars."

(7) Section 109.2 Membership of the board. Delete the text of this section and insert the following: "The board of appeals shall consist of the membership of the Zoning Board of Appeals."

(C) *Additional definitions.* As used in this section and the International Building Code, the following terms shall have the following meanings:

(1) The term "jurisdiction" shall mean the City of LaSalle.

(2) The term "Building or Code Official/Inspector" shall mean the person referred to in this section, who is responsible for code administration and enforcement for the City of LaSalle.

(3) The term "International Mechanical Code" or "Code" shall mean the edition of the International Mechanical Code most recently adopted by the City of LaSalle.
(Ord. 1799, passed 3-31-2003)

DANGEROUS BUILDINGS

§ 150.20 DEFINITIONS.

For the purpose of this subchapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

BUILDING. A structure or part thereof.

DEMOLISH. To destroy a building and to remove all debris and waste materials from the lot on which the building stood.

DWELLING. Any building or structure or part thereof used and occupied for human habitation or intended to be so used and includes any garages or other accessory buildings belonging thereto.

DWELLING UNIT. Any room or group of rooms located within a dwelling and forming a single habitable unit with the facilities which are used or intended to be used for living, sleeping, cooking, or eating.

OCCUPANT. Any person over 1 year of age living, sleeping, cooking, or eating in, or having actual possession of dwelling unit or rooming unit.

OWNER. The holder of fee simple title.

PARTIES IN INTEREST. All individuals, associates, and corporations who have a mortgage or other interest of record in a dwelling or building or who are in possession thereof.

PUBLIC OFFICER. The officer or officers who are authorized by law to exercise the powers prescribed by this subchapter.

PUBLIC RECORD. Deeds, mortgages and other instruments of record relating to land titles.

ROOMING HOUSE. Any dwelling or that part of any dwelling containing 1 or more rooming units in which space is let by the owner or occupant to 3 or more persons who are not husband and wife, son or daughter, mother or father, sister or brother of the occupant.

ROOMING UNIT. Any room or group of rooms forming a single habitable unit used or intended to be used for living and sleeping, but not for cooking or eating purposes.

STRUCTURAL ALTERATIONS. Any change in the supporting members of a building such as bearings, walls, columns, beams, or gutters, except repair or replacement of supporting members.
(Ord. 1138, passed 7-13-1987)

§ 150.21 UNFIT DWELLINGS AND BUILDINGS DESIGNATED.

Any dwelling or building which has any or all of the following defects shall be deemed unfit for human habitation.

(A) Any dwelling or building whose walls or vertical members list, lean, or buckle to such an extent that a plumb line suspended from the top edge of such member shall fall outside of a distance from the edge equal to 1/3 of the thickness of such members, per each 10 feet of height from the ground, unless initially designed to support such deviation.

(B) Any dwelling or building which has support member or members which have deteriorated to such an extent as to be unable to safely support the applied loads or which have 40% damage or deterioration of the nonsupporting, enclosed, or outside walls covering.

(C) Any dwelling or building which has improperly distributed loads upon the floors or roofs or in which the same are overloaded or which have insufficient strength to be reasonably safe for the purpose used.

(D) Any dwelling or building which has been damaged by fire, wind or other causes so as to have become dangerous to life, safety, morals, or the general health and welfare of the occupants or may cause or aid in the spread of disease or injury to the health of the occupants or neighboring structures.

(E) Any dwelling or building which has parts thereof which are so attached that they may fall and injure persons or property.

(F) Any dwelling or building which does not have an unobstructed means of egress leading to an open space at ground level.

(G) Any dwelling or building which does not have ventilation provided by openable doors or windows equal to 4.5% of total floor area of each room, except where there is supplied forced air ventilation complying with all applicable laws and ordinances.

(H) Any dwelling or building having rooms with the ceiling height less than 7 feet throughout 1/2 of the area of such room. Any portion of a room having a ceiling height less than 5 feet high shall not be considered in computing the total floor area of such room.

(I) Any dwelling or building which has wiring that is dangerous due to lack of insulation, improper fuses, inadequate grounding, lack of capacity of wires or other dangerous condition.

(J) Any dwelling or building which does not have an installed kitchen sink in each dwelling unit properly connected to the hot and cold water supply pipes and the sewer system.

(K) Any dwelling which does not have an installed tub or shower and lavatory property connected to hot and cold water supply pipes and sewer system.

(L) Any dwelling which does not have a flush type water closet located in a room affording privacy and property connected to the water supply pipes and sewer system.

(M) Any dwelling or building which does not have installed electric lighting facilities consisting of at least 2 separate wall-type convenience outlets or 1 ceiling-type fixture and 1 wall-type outlet for every habitable room installed in accordance with the electrical ordinance of the city.

(N) Any dwelling or building which does not have either central heating, fireproof flues or fireproof vents. All heating equipment whether installed by owner or occupant must be vented and maintained in good order and repair.

(O) Any dwelling or building which, because of faulty construction, age, lack of proper repair or any other cause, is especially liable to fire and constitutes or creates a fire hazard.

(P) Any dwelling or building which has been so damaged by fire, wind, flood or the elements or has become so deteriorated as to become an attractive nuisance to children who might play in or about the dwelling or building to their danger.

(Q) Any dwelling or building which shall become vacant deteriorated or open at door or window, leaving the interior of the dwelling or building exposed to the elements or accessible to entrance by vagrants or trespassers.

(Ord. 1138, passed 7-13-1987)

§ 150.22 PERSONS OCCUPYING DWELLINGS OR BUILDINGS.

The number of persons occupying any dwelling or building unit shall be limited to the following requirements:

(A) Each sleeping room shall have at least 70 square feet of floor space for the first occupant thereof and not less than 30 square feet of floor space for each additional occupant.

(B) The total of all habitable rooms in a dwelling or building shall be such as to provide at least 150 square feet of floor space for the first occupant thereof and at least 50 additional square feet of floor space for each additional occupant thereof. Any floor space under a ceiling less than 5 feet high shall not be counted.

(Ord. 1138, passed 7-13-1987) Penalty, see § 150.99

§ 150.23 ROOMING HOUSES.

No person shall operate a rooming house or shall let to another for occupancy any room unless such rooming house or room complies with the following requirements:

(A) Each rooming house and room shall be in compliance with the minimum standards set forth in § 150.21 (A), (B), (C), (D), (E), (G), (H) and (M), and § 150.22(A).

(B) Each rooming house shall be equipped with at least 1 flush water closet, 1 lavatory, and 1 tub or shower for each 10 persons or fraction thereof within the rooming house, including members of the family, if they are to share the use of the facilities. All such facilities shall be properly connected to the water supply and sewer system.

(C) Each flush water closet, lavatory, tub, or shower required above shall be located within the rooming house, in a room, or rooms, which:

- (1) Affords privacy.
- (2) Is accessible by a common hall without going outside the rooming house.
- (3) Is accessible by a common hall without going through sleeping quarters of others.
- (4) Is not more than 1 story removed from the room of an occupant intended to share the facilities.

(Ord. 1138, passed 7-13-1987) Penalty, see § 150.99

§ 150.24 NUISANCE CONDITIONS; REPAIR OR DEMOLITION.

Any dwelling or rooming house unfit, for human habitation is hereby declared to be a public nuisance, and shall be repaired or demolished and debris removed from site as hereinbefore and hereinafter provided. The following criteria shall be used in ordering repair or demolition.

(A) If the dwelling, building or rooming house shall be found to be unsafe, dangerous or unfit for human habitation in violation of the terms of this subchapter or other ordinances of the city, the City Building Inspector shall serve a notice thereof upon all owners and parties in interest specifying the conditions that render the building or dwelling unsafe, dangerous or unfit for human habitation. The owner shall repair it or commence demolition within 15 days.

(B) If the owner fails to comply with an order of the Building Inspector hereunder, the Building Inspector may cause such building to be repaired, altered, or improved, or to be vacated or closed, and he or she may cause to be placed on the building so closed a plaque with the following words: "This Building Is Unfit For Human Habitation. The Use Or Occupation Of This Building For Human Habitation Is Prohibited And Unlawful."

(C) If the owner fails to comply with an order to repair or demolish, the City Attorney is authorized to commence legal action seeking a court order authorizing demolition or repair of the dwelling, building or structure. It shall not be a defense to this cause of action that the dwelling, building or structure is boarded up or otherwise enclosed.

(D) The amount of costs of such repairs, alterations, or improvements, or vacating and closing and demolition and the costs of suit including a reasonable attorney's fee shall be and become a lien against said real estate. The City Building Inspector may cause a claim for lien in a form approved by the City Attorney, to be filed of record as an instrument relating to land titles, which lien shall be superior to all prior existing liens and encumbrances, except taxes.

(Ord. 1138, passed 7-13-1987) Penalty, see § 150.99

§ 150.25 SERVICE OF COMPLAINTS AND ORDERS.

The notices, complaints and orders issued hereunder shall be served upon persons either personally or by certified mail, return receipt requested, but if the whereabouts of such persons are unknown and the same cannot be ascertained by the City Building Inspector in the exercise of reasonable diligence, and the said officer shall make an affidavit to that effect, then the serving of such complaint or order upon such persons may be made by publishing the same for 2 consecutive weeks in a newspaper printed and published in the city, and a copy of such complaint or order shall be posted in a conspicuous place on the premises affected by the complaint. (Ord. 1138, passed 7-13-1987)

§ 150.26 EMERGENCIES.

In cases where it reasonably appears that there is immediate danger to the life or safety of any person, unless a dwelling, building, or rooming house, unfit for human habitation or a dangerous building, as defined herein, is immediately repaired or demolished,

the City Building Inspector shall cause the immediate repair or demolition of such dwelling or rooming house or building, the cost of such emergency repair or emergency demolition shall be a lien, and collected in the same manner as provided in § 150.24(D). (Ord. 1138, passed 7-13-87)

CONSTRUCTION REGULATIONS

§ 150.40 CONSTRUCTION OF FENCES.

(A) *Definitions.* For the purpose of this section the following definitions shall apply unless the context clearly indicates or requires a different meaning.

(1) **FRONT YARD.** A yard extending across the front of a lot between the side lot lines and being the minimum horizontal distance between the street line and the main buildings or any projection thereof, other than steps, unenclosed balconies and unenclosed porches.

(2) **REAR YARD.** The yard extending across the rear of a lot measured between lot lines and being the minimum horizontal distance between the rear lot line and the rear of the main building or any projections other than steps, unenclosed balconies and unenclosed porches. On corner lots the rear yard shall be considered as parallel to the street upon which lot has its least dimension. On both corner lots and interior lots the rear yard shall in all cases be at the opposite end of the lot from the front yard.

(3) **SIDE YARD.** Starting at a yard between the buildings and the side line of the lot extending from the front of the same building located on the property or any projection thereof other than steps, unenclosed balconies and unenclosed porches to the rear lot line.

(4) **YARD.** An open space at grade between a building and the adjoining lot lines, unoccupied and unobstructed by any portion of a

structure from the ground upward, except as otherwise provided herein. In measuring a yard for the purposes of determining the width of a side yard, the depth of a front yard or the depth of a rear yard, the minimum horizontal distance between the lot line and the main building shall be used.

(B) *Height.* That all fences hereafter constructed in or upon rear or side yards in the City of La Salle shall be at the maximum height of 6 feet. All fences so constructed shall be designed in such a manner that the posts of the fence shall be on the interior of the fence and face the property of the individual constructing the fence. Any and all fences placed in front yards of the city cannot be more than 4 feet in height and can only be constructed of chain link material.

(C) *Location.* It shall be unlawful to construct any fence on a corner lot within a distance of 25 feet from the curb in each direction at a height of more than 2 feet 6 inches above the level of the adjacent street pavement. It shall be unlawful for any firm, person or corporation other than the city, to construct any fence on city property with the exception of decorative fences.

(D) *Decorative fences.* Decorative fences are hereby defined to be fences containing no more than 2 horizontal rails with the top rail to be no more than 30 inches in height.

(E) *Decorative fences near sidewalks.* No decorative fence shall be constructed closer than 2 feet from any sidewalk line. If no sidewalk line exists, then no decorative fences shall be constructed closer than 7 feet from the edge of the existing pavement.

(F) *Exception.* This section shall not apply to the placement or height of shrubs, bushes or hedges.

(G) *Permit, diagram required.* Prior to construction of any fence henceforth, a permit authorizing construction must be obtained from the Superintendent of Public Works for the City, the cost of said permit being \$2. In addition, prior to receiving a permit, the petitioner must evidence by diagram to

the Superintendent of Public Works, the type, height, and location of the fence he or she plans to construct. If said diagram indicates petitioner's fence will be in compliance with this section, a permit shall be issued by the Superintendent of Public Works. If said diagram indicates petitioner's fence will not be in compliance with this section, no permit will be issued. (Ord. 871, passed 9-22-1975; Am. Ord. 1016, passed 8-17-1981)

§ 150.41 INSTALLATION OF SIDEWALKS IN CERTAIN LOCATION.

(A) The composition of the inner 2/3 of any sidewalk henceforth installed on Marquette Street between First and Second Streets (inner being that part of the sidewalk closest to the actual commercial structure) shall be of exposed aggregate concrete, with the composition of the outer 1/3 of said sidewalk (outer being that portion of sidewalk abutting the curb) being of brick.

(B) Approximately every 16 feet "on Center," the exposed aggregate concrete sidewalk shall be divided by a brick divider, which shall run from the curb to the commercial structure, be 24 inches in width, and which will separate dissimilar sidewalk finishes and provide convenient breaks for replacement of sidewalk.
(Ord. 866, passed 4-21-1975; Am. Ord. 873, passed 10-20-1975) Penalty, see § 150.99

MOVING BUILDINGS

§ 150.55 HOUSEMOVER'S LICENSE; PERMIT.

In order to regulate the use of the streets and public places within the city by persons desiring to move buildings and other structures thereon it is hereby provided that no person shall move any building, house, or other structure along or upon the public streets, alleys, ways, or places within the city without first having obtained a license as a house

mover as herein provided, and without also receiving a permit to move such building or other structure as herein provided.

(1963 Code, § 3-3-1) Penalty, see § 150.99

§ 150.56 APPLICATION FOR LICENSE.

Any person desiring a license as a house mover shall make application for such license to the Clerk, and make payment of an annual license fee of \$25, and shall furnish a bond to the city in the sum of \$1,000, conditioned as herein set forth, and after approval of the bond by the Council, the Clerk shall issue to the applicant a license as house mover expiring on the first day of May next thereafter. The bond of \$1,000 shall be conditioned among other things that the applicant for such license will pay for any and all damage which he or she, in any of his or her operations as a house mover, shall cause to any tree, pavement, street or sidewalk, or any other city property whatsoever, whether inflicted by himself or by his agents or employees, and further conditioned to save and keep harmless the city from any and all suits, judgments, costs, liabilities, or expenses whatsoever which may in any wise accrue or be alleged against the city in consequence of the granting of such license or permit and/or any operations thereunder, and conditioned further, that the applicant will in all things comply with the provisions of this code, applicable thereto.

(1963 Code, § 3-3-2)

§ 150.57 CASH DEPOSIT REQUIRED.

No house mover shall remove any building, house, or other structure, along or upon any public street, alley, or place in the city, without first having obtained from the Council a permit to remove the particular building or structure in question, under the regulations hereinafter provided, and without first depositing with the Clerk a cash deposit in an amount equal to the cost of caring for, splicing, removing, and replacing any wires, poles, or cables, pipes or other property of the city, the caring for, splicing,

removing, and replacing of which is necessary to facilitate the operations of the house mover. Such estimate of cost shall be made by the Superintendent of Public Works. The cost shall be paid out of the cash deposit and any amount unexpended from such deposit shall be returned to the depositor. If any deficiency results under the deposit, the depositor must make up the difference.

(1963 Code, § 3-3-3) (Ord. 230, passed 5-7-1928)

§ 150.58 APPLICATION FOR PERMIT.

Before any permit shall be granted the person desiring same shall make application in writing to the Council at the office of the Clerk stating the building proposed to be removed, where located, and the place to which it is proposed to be moved.

(1963 Code, § 3-3-4)

§ 150.59 ISSUANCE OF PERMIT.

The Council, or someone designated by it, shall thereupon, if it sees fit, issue a permit therefor, prescribing the route to be taken, and the maximum time to be allowed for such removal, and any other conditions which to it shall seem needful for the public good. The work of removal shall be done in such manner as to meet the approval of the Superintendent of Public Works.

(1963 Code, § 3-3-5)

§ 150.60 MOVING WOODEN BUILDINGS WITHIN FIRE LIMITS PROHIBITED.

No wooden building, within or without the fire limits shall be moved to any lot, or part of lot, located within the fire limits.

(1963 Code, § 3-3-6) Penalty, see § 150.99

§ 150.61 NOTICE TO UTILITY COMPANIES REQUIRED.

No building shall be allowed to be moved upon any street, alley, or other public place unless at least 48-hours' previous notice has been given to any telephone or electric light or power companies whose right-of-way or wires or poles, the moving of the building will interfere with.

(1963 Code, § 3-3-7) Penalty, see § 150.99

§ 150.62 WARNING LIGHTS REQUIRED AFTER SUNSET.

Every person so moving a building hereunder, or who makes any sort of excavation or piles any lumber or other material upon any of the public streets, alleys or places within the city, shall in addition to the requirements of the other provisions of this code, keep from sunset until dawn a red light hung out upon or about such obstruction or excavation so as to give ample warning thereof.

(1963 Code, § 3-3-8) Penalty, see § 150.99

§ 150.63 INJURY TO PROPERTY.

No mover of any building shall be permitted to cut or injure any tree within said city without the consent of the owner thereof, or if on city property, without the consent of the Superintendent of Public Works.

(1963 Code, § 3-3-9) (Ord. 56, passed 8-14-1922) Penalty, see § 150.99

§ 150.64 INDEBTEDNESS TO CITY.

No permit to move any building or other structure shall be issued to any house mover, nor shall the license of any house mover be renewed, in the event that the house mover is in any way indebted to the city in any amount on account of any expenses, costs, judgments, damages, liabilities, or other

indebtedness whatsoever, occasioned or incurred by or on account of any of the operations of the house mover upon or along the public streets, alleys, ways, or places in the city.

(1963 Code, § 3-3-10) (Ord. 230, passed 5-7-1928)

§ 150.99 PENALTY.

(A) Whoever violates any provision of this chapter for which no specific penalty is otherwise provided, shall be subject to the provisions of § 10.99.

(B) Any person, firm or corporation violating any provision of §§ 150.20 through 150.26 shall be fined not less than \$100, nor more than \$500 for each offense and a separate offense shall be deemed committed on each day during or on which a violation occurs or continues.

(Ord. 1138, passed 7-13-1987)

(C) Any person, firm or corporation violating § 150.40 shall be fined not less than \$50 and not more than \$200 for each offense. Each day a violation continues shall constitute a separate violation of § 150.40.

(Ord. 871, passed 9-22-1975; Am. Ord. 1016, passed 8-17-1981)

(D) Any property owner located on Marquette Street between First and Second Streets found guilty of violating § 150.41 shall be fined not less than \$100, and not more than \$200 for each such violation.

(Ord. 866, passed 4-21-1975; Am. Ord. 873, passed 10-20-1975)

CHAPTER 151: FLOODPLAIN DAMAGE PREVENTION

Section

- 151.01 Purpose
- 151.02 Definitions
- 151.03 Base flood elevation
- 151.04 Duties of the Building Inspector
- 151.05 Development permit
- 151.06 Preventing increased flood heights and resulting damages
- 151.07 Protecting buildings
- 151.08 Subdivision requirements
- 151.09 Public health and other standards
- 151.10 Carrying capacity and notification
- 151.11 Variances
- 151.12 Disclaimer of liability
- 151.13 Abrogation and greater restrictions

- 151.99 Penalty

(E) Maintain property values and a stable tax base by minimizing the potential for creating blight areas;

(F) Make federally subsidized flood insurance available; and

(G) To preserve the natural characteristics and functions of watercourses and floodplains in order to moderate flood and stormwater impacts, improve water quality, reduce soil erosion, protect aquatic and riparian habitat, provide recreational opportunities, provide aesthetic benefits and enhance community and economic development.
(Ord. 2282, passed 6-27-2011)

§ 151.01 PURPOSE.

This chapter is enacted pursuant to the police powers granted to the City of LaSalle by the Illinois Municipal Code (ILCS Ch. 65, Act 5, §§ 1-2-1, 11-12-12, 11-30-2, 11-30-8 and 11-31-2) in order to accomplish the following purposes:

(A) To prevent unwise developments from increasing flood or drainage hazards to others;

(B) Protect new buildings and major improvements to buildings from flood damage;

(C) To promote and protect the public health, safety, and general welfare of the citizens from the hazards of flooding;

(D) To lessen the burden on the taxpayer for flood control, repairs to public facilities and utilities, and flood rescue and relief operations;

§ 151.02 DEFINITIONS.

For the purposes of this chapter the following definitions shall apply unless the context clearly indicates or requires a different meaning.

BASE FLOOD. The flood having a 1% probability of being equaled or exceeded in any given year. The **BASE FLOOD** is also known as the **100-YEAR FLOOD**. The base flood elevation at any location is as defined in § 151.03.

BASE FLOOD ELEVATION (BFE). The elevation in relation to mean sea level of the crest of the base flood.

BASEMENT. That portion of a building having its floor sub-grade (below ground level) on all sides.

BUILDING. A walled and roofed structure, including gas or liquid storage tank that is principally above ground including manufactured homes,

prefabricated buildings and gas or liquid storage tanks. The term also includes recreational vehicles and travel trailers installed on a site for more than 180 days per year.

CRITICAL FACILITY.

(1) Any facility which is critical to the health and welfare of the population and, if flooded, would create an added dimension to the disaster. Damage to these critical facilities can impact the delivery of vital services, can cause greater damage to other sectors of the community, or can put special populations at risk.

(2) Examples of ***CRITICAL FACILITIES*** where flood protection should be required include:

- (a) Emergency services facilities (such as fire and police stations),
- (b) Schools,
- (c) Hospitals,
- (d) Retirement homes and senior care facilities,
- (e) Major roads and bridges,
- (f) Critical utility sites (telephone switching stations or electrical transformers, and
- (g) Hazardous material storage facilities (chemicals, petrochemicals, hazardous or toxic substances).

DEVELOPMENT.

(1) Any manmade change to real estate including, but not necessarily limited to:

- (a) Demolition, construction, reconstruction, repair, placement of a building, or any structural alteration to a building;
- (b) Substantial improvement of an existing building;

(c) Installation of a manufactured home on a site, preparing a site for a manufactured home, or installing a travel trailer on a site for more than 180 days per year;

(d) Installation of utilities, construction of roads, bridges, culverts or similar projects;

(e) Construction or erection of levees, dams walls or fences;

(f) Drilling, mining, filling, dredging, grading, excavating, paving, or other alterations of the ground surface;

(g) Storage of materials including the placement of gas and liquid storage tanks, and channel modifications or any other activity that might change the direction, height, or velocity of flood or surface waters.

(2) ***DEVELOPMENT*** does not include routine maintenance of existing buildings and facilities, resurfacing roads, or gardening, plowing, and similar practices that do not involve filing, grading, or construction of levees.

EXISTING MANUFACTURED HOME PARK OR SUBDIVISION. A manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed or buildings to be constructed (including, at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed before the effective date of the floodplain management regulations adopted by a community.

EXPANSION TO AN EXISTING MANUFACTURED HOME PARK OR SUBDIVISION. The preparation of additional sites by the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads).

FEMA. Federal Emergency Management Agency.

FLOOD. A general and temporary condition of partial or complete inundation of normally dry land areas from the overflow, the unusual and rapid accumulation, or the runoff of surface waters from any source.

FLOOD FRINGE. That portion of the floodplain outside of the regulatory floodway.

FLOOD INSURANCE RATE MAP. A map prepared by the Federal Emergency Management Agency that depicts the floodplain or special flood hazard area (SFHA) within a community. This map includes insurance rate zones and may or may not depict floodways and show base flood elevations.

FLOOD INSURANCE STUDY. An examination, evaluation and determination of flood hazards and, if appropriate, corresponding water surface elevations.

FLOODPLAIN and **SPECIAL FLOOD HAZARD AREA (SFHA).**

(1) These two terms are synonymous.

(2) Those lands within the jurisdiction of the City of LaSalle, the extraterritorial jurisdiction of the City of LaSalle, or that may be annexed into the City of LaSalle, that are subject to inundation by the base flood. The **FLOODPLAINS** of the City of LaSalle are generally identified as such on panel number(s) 350, 478, 480 482 and 485 of the countywide Flood Insurance Rate Map of LaSalle County prepared by the Federal Emergency Management Agency and dated 7-18-2011. **FLOODPLAIN** also includes those areas of known flooding as identified by the community.

(3) The **FLOODPLAINS** of those parts of unincorporated LaSalle County that are within the extraterritorial jurisdiction of the City of LaSalle or that may be annexed into the City of LaSalle are generally identified as such on the Flood Insurance Rate Map prepared for LaSalle County by the Federal

Emergency Management Agency and dated 7-18-2011.

FLOODPROOFING. Any combination of structural or nonstructural additions, changes, or adjustments to structures which reduce or eliminate flood damage to real estate, property and their contents.

FLOODPROOFING CERTIFICATE. A form published by the Federal Emergency Management Agency that is used to certify that a building has been designed and constructed to be structurally dry floodproofed to the flood protection elevation.

FLOOD PROTECTION ELEVATION (FPE). The elevation of the base flood plus 1 foot of freeboard at any given location in the floodplain.

FLOODWAY. That portion of the floodplain required to store and convey the base flood. The **FLOODWAY** for the floodplains of Illinois and Little Vermilion Rivers and Pecumsaugan Creek shall be as delineated on the countywide Flood Insurance Rate Map of LaSalle County prepared by FEMA and dated 7-18-2011. The **FLOODWAYS** for each of the remaining floodplains of the City of LaSalle shall be according to the best data available from federal, state, or other sources.

FREEBOARD. An increment of elevation added to the base flood elevation to provide a factor of safety for uncertainties in calculations, future watershed development, unknown localized conditions, wave actions and unpredictable effects such as those caused by ice or debris jams.

HISTORIC STRUCTURE. Any structure that is:

(1) Listed individually in the National Register of Historic Places or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register.

(2) Certified or preliminarily determined by the Secretary of the Interior as contributing to the

historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district.

(3) Individually listed on the state inventory of historic places by the Illinois Historic Preservation Agency.

(4) Individually listed on a local inventory of historic places that has been certified by the Illinois Historic Preservation Agency.

IDNR/OWR. Illinois Department of Natural Resources/Office of Water Resources.

IDNR/OWR JURISDICTIONAL STREAM. Illinois Department of Natural Resource Office of Water Resources has jurisdiction over any stream serving a tributary area of 640 acres or more in an urban area, or in the floodway of any stream serving a tributary area of 6,400 acres or more in a rural area. Construction on these streams requires a permit from the Department. (Ill. Admin. Code tit. 17, pt. 3700.30). The Department may grant approval for specific types of activities by issuance of a statewide permit which meets the standards defined in § 151.06.

LOWEST FLOOR. The lowest floor of the lowest enclosed area (including basement). An unfinished or flood resistant enclosure, usable solely for parking of vehicles, building access or storage in an area other than a basement area is not considered a building's **LOWEST FLOOR**. Provided that such enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirements of § 151.07.

MANUFACTURED HOME. A structure transportable in 1 or more sections that is built on a permanent chassis and is designed to be used with or without a permanent foundation when connected to required utilities.

MANUFACTURED HOME PARK OR SUBDIVISION. A parcel (or contiguous parcels) of land divided into 2 or more lots for rent or sale.

NEW CONSTRUCTION. Structures for which the start of construction commenced or after the effective date of floodplain management regulations adopted by a community and includes any subsequent improvements of such structures.

NEW MANUFACTURED HOME PARK OR SUBDIVISION. A manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed or buildings to be constructed (including, at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed on or after the effective date of the floodplain management regulations adopted by a community.

NFIP. National Flood Insurance Program.

RECREATIONAL VEHICLE OR TRAVEL TRAILER. A vehicle which is:

- (1) Built on a single chassis;
- (2) Four hundred square feet or less in size;
- (3) Designed to be self-propelled or permanently towable by a light duty truck and designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel or seasonal use.

REPETITIVE LOSS. Flood related damages sustained by a structure on 2 separate occasions during a 10-year period for which the cost of repairs at the time of each such flood event on the average equals or exceeds 25% of the market value of the structure before the damage occurred.

SFHA. See definition of **FLOODPLAIN**.

START OF CONSTRUCTION. Includes substantial improvement and means the date the building permit was issued. This, provided the actual start of construction, repair, reconstruction, rehabilitation, addition placement or other improvement, was within 180 days of the permit date.

The **ACTUAL START** means either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns or any work beyond the stage of excavation or placement of a manufactured home on a foundation. For a substantial improvement, **ACTUAL START OF CONSTRUCTION** means the first alteration of any wall, ceiling, floor or other structural part of a building whether or not that alteration affects the external dimensions of the building.

STRUCTURE. See definition of **BUILDING**.

SUBSTANTIAL DAMAGE. Damage of any origin sustained by a structure whereby the cumulative percentage of damage subsequent to the adoption of this chapter equals or exceeds 50% of the market value of the structure before the damage occurred regardless of actual repair work performed. Volunteer labor and materials must be included in this determination. The term includes “repetitive loss buildings” (see definition).

SUBSTANTIAL IMPROVEMENT.

(1) Any reconstruction, rehabilitation, addition or improvement of a structure taking place subsequent to the adoption of this chapter in which the cumulative percentage of improvements:

(a) Equals or exceeds 50% of the market value of the structure before the improvement or repair is started, or

(b) Increases the floor area by more than 20%.

(2) **SUBSTANTIAL IMPROVEMENT** is considered to occur when the first alteration of any wall, ceiling, floor or other structural part of the building commences, whether or not that alteration affects the external dimensions of the structure. This term includes structures which have incurred repetitive loss or substantial damage, regardless of the actual repair work done.

(3) The term does not include:

(a) Any project for improvement of a structure to comply with existing state or local health, sanitary, or safety code specifications which are solely necessary to assure safe living conditions, or

(b) Any alteration of a structure listed on the National Register of Historic Places or the Illinois Register of Historic Places.

VIOLATION. The failure of a structure or other development to be fully compliant with the community’s floodplain management regulations. A structure or other development without the required federal, state and/or local permits and elevation certification is presumed to be in **VIOLATION** until such time as the documentation is provided.
(Ord. 2282, passed 6-27-2011)

§ 151.03 BASE FLOOD ELEVATION.

This chapter’s protection standard is the base flood. The best available base flood data are listed below. Whenever a party disagrees with the best available data, the party shall finance the detailed engineering study needed to replace the existing data with better data and submit it to the FEMA and IDNR/OWR for approval prior to any development of the site.

(A) The base flood elevation for the floodplains of Illinois and Little Vermilion Rivers and Pecumsaugan Creek shall be as delineated on the 100-year flood profiles in the countywide Flood Insurance Study of LaSalle County prepared by the Federal Emergency Management Agency and dated 7-18-2011.

(B) The base flood elevation for each floodplain delineated as an “AH Zone” or “AO Zone” shall be that elevation or depth delineated on the county wide Flood Insurance Rate Map of LaSalle County.

(C) The base flood elevation for each of the remaining floodplains delineated as an “A Zone” on the countywide Flood Insurance Rate Map of LaSalle County shall be according to the best data available

from federal, state or sources. Should no other data exist, an engineering study must be financed by the applicant to determine base flood elevations.

(D) The base flood elevation for the floodplains of those parts of unincorporated LaSalle County that are within the extraterritorial jurisdiction of the City of LaSalle, or that may be annexed into the City of LaSalle, shall be as delineated on the 100-year flood profiles in the Flood Insurance Study of LaSalle County prepared by the Federal Emergency Management Agency and dated 7-18-2011. (Ord. 2282, passed 6-27-2011)

§ 151.04 DUTIES OF THE BUILDING INSPECTOR.

The City of LaSalle Building Inspector shall be responsible for the general administration of this chapter and ensure that all development activities within the floodplains under the jurisdiction of the City of LaSalle meet the requirements of this chapter. Specifically, the City of LaSalle Building Inspector shall:

(A) Process development permits in accordance with § 151.05;

(B) Ensure that all development in a floodway (or a floodplain with no delineated floodway) meets the damage prevention requirements of § 151.06;

(C) Ensure that the building protection requirements for all buildings subject to § 151.07 are met and maintain a record of the “as-built” elevation of the lowest floor (including basement) or floodproof certificate;

(D) Assure that all subdivisions and annexations meet the requirements of § 151.08;

(E) Ensure that water supply and waste disposal systems meet the public health standards of § 151.09;

(F) If a variance is requested, ensure that the requirements of § 151.11 are met and maintain documentation of any variances granted;

(G) Inspect all development projects and take any and all penalty actions outlined in § 151.13 as are necessary to ensure compliance with this chapter;

(H) Assure that applicants are aware of and obtain any and all other required local, state, and federal permits;

(I) Notify IDNR/OWR and any neighboring communities prior to any alteration or relocation of a watercourse;

(J) Provide information and assistance to citizens upon request about permit procedures and floodplain construction techniques;

(K) Cooperate with state and federal floodplain management agencies to coordinate base flood data and to improve the administration of this chapter;

(L) Maintain for public inspection base flood data, floodplain maps, copies of state and federal permits, and documentation of compliance for development activities subject to this chapter;

(M) Perform site inspections to ensure compliance with this chapter and make substantial damage determinations for structures within the floodplain; and

(N) Maintain the accuracy of floodplain maps including notifying IDNR/OWR and/or submitting information to FEMA within 6 months whenever a modification of the floodplain may change the base flood elevation or result in a change to the floodplain map.

(Ord. 2282, passed 6-27-2011)

§ 151.05 DEVELOPMENT PERMIT.

No person, firm, corporation, or governmental body not exempted by law shall commence any development in the floodplain without first obtaining a development permit from the City of LaSalle Building Inspector. The City of LaSalle Building Inspector shall not issue a development permit if the proposed development does not meet the requirements of this chapter.

(A) The application for development permit shall be accompanied by:

(1) Drawings of the site, drawn to scale showing property line dimensions;

(2) Existing grade elevations and all changes in grade resulting from excavation or filling;

(3) The location and dimensions of all buildings and additions to buildings;

(4) The elevation of the lowest floor (including basement) of all proposed buildings subject to the requirements of § 151.07; and

(5) Cost of project or improvements as estimated by a licensed engineer or architect. A signed estimate by a contractor may also meet this requirement.

(B) (1) Upon receipt of an application for a development permit, the City of LaSalle Building Inspector shall compare the elevation of the site to the base flood elevation. Any development located on land that can be shown by survey elevation to be below the base flood elevation . Any development located on land that can be shown by survey data to be higher than the current base flood elevation and which has not been filled after the date of the site's first Flood Insurance Rate Map is not in the floodplain and therefore not subject to the requirements of this chapter. In addition, any development located on land shown to be below the base flood elevation and hydraulically connected to a flood source, but not identified as floodplain on the current Flood Insurance Rate Map, is subject to the provisions of this chapter.

(2) The City of LaSalle Building Inspector shall maintain documentation of the existing ground elevation at the development site and certification that this ground elevation existed prior to the date of the site's first Flood Insurance Rate Map identification.

(3) The City of LaSalle Building Inspector shall be responsible for obtaining from the applicant

copies of all other federal, state, and local permits, approvals or permit-not-required letters that may be required for this type of activity. The City of LaSalle Building Inspector shall not issue a permit unless all other federal, state, and local permits have been obtained.

(Ord. 2282, passed 6-27-2011)

§ 151.06 PREVENTING INCREASED FLOOD HEIGHTS AND RESULTING DAMAGES.

Within any floodway identified on the countywide Flood Insurance Rate Map, and within all other floodplains where a floodway has not been delineated, the following standards shall apply:

(A) Except as provided in division (B) below, no development shall be allowed which, acting in combination with existing and anticipated development will cause any increase in flood heights or velocities or threat to public health and safety. The following specific development activities shall be considered as meeting this requirement:

(1) Bridge and culvert crossings of streams in rural areas meeting the conditions of the Illinois Department of Natural Resources, Office of Water Resources Statewide Permit Number 2:

(2) Barge fleeting facilities meeting the conditions of IDNR/OWR Statewide Permit Number 3:

(3) Aerial utility crossings meeting the conditions of IDNR/OWR Statewide Permit Number 4;

(4) Minor boat docks meeting the following conditions of IDNR/OWR Statewide Permit Number 5:

(5) Minor, non-obstructive activities such as underground utility lines, light poles, sign posts, driveways, athletic fields, patios, playground equipment, minor storage buildings not exceeding 70 square feet and raising buildings on the same footprint

which does not involve fill and any other activity meeting the conditions of IDNR/OWR Statewide Permit Number 6:

(6) Outfall structures and drainage ditch outlets meeting the following conditions of IDNR/OWR Statewide Permit Number 7:

(7) Underground pipeline and utility crossings meeting the conditions of IDNR/OWR Statewide Permit Number 8:

(8) Bank stabilization projects meeting the conditions of IDNR/OWR Statewide Permit Number 9:

(9) Accessory structures and additions to existing residential buildings meeting the conditions of IDNR/OWR Statewide Permit Number 10:

(10) Minor maintenance dredging activities meeting the following conditions of IDNR/OWR Statewide Permit Number 11:

(11) Bridge and culvert replacement structures and bridge widening meeting the following conditions of IDNR/OWR statewide Permit Number 12:

(12) Temporary construction activities meeting the following conditions of IDNR/OWR statewide Permit Number 13:

(13) Any development determined by IDNR/OWR to be located entirely within a flood fringe area shall be exempt from state floodway permit requirements.

(B) Other development activities not listed in division (A) may be permitted only if:

(1) Permit has been issued for the work by IDNR/OWR (or written documentation is provided that an IDNR/OWR permit is not required), or

(2) Sufficient data has been provided to FEMA when necessary, and approval obtained from

FEMA for a revision of the regulatory map and base flood elevation.

(Ord. 2282, passed 6-27-2011)

§ 151.07 PROTECTING BUILDINGS.

(A) In addition to the state permit and damage prevention requirements of § 151.06, all buildings located in the floodplain shall be protected from flood damage below the flood protection elevation. This building protection requirement applies to the following situations:

(1) Construction or placement of a new building or alteration or addition to an existing building valued at more than \$1,000 or 70 square feet.

(2) Substantial improvements or structural alterations made to an existing building that increase the floor area by more than 20% or equal or exceed the market value by 50%. Alteration shall be figured cumulatively subsequent to the adoption of this chapter. If substantially improved, the existing structure and the addition must meet the flood protection standards of this section.

(3) Repairs made to a substantially damaged building. These repairs shall be figured cumulatively subsequent to the adoption of this chapter. If substantially damaged the entire structure must meet the flood protection standards of this section within 24 months of the date the damage occurred.

(3) Installing a manufactured home on a new site or a new manufactured home on an existing site. (The building protection requirements do not apply to returning a manufactured home to the same site it lawfully occupied before it was removed to avoid flood damage).

(4) Installing a travel trailer or recreational vehicle on a site for more than 180 days per year.

(5) Repetitive loss to an existing building as defined in § 151.02.

(B) Residential or non-residential buildings can meet the building protection requirements by one of the following methods:

(1) The building may be constructed on permanent land fill in accordance with the following:

(a) The lowest floor (including basement) shall be at or above the flood protection elevation;

(b) The fill shall be placed in layers no greater than 6 inches before compaction and should extend at least 10 feet beyond the foundation before sloping below the flood protection elevation;

(c) The fill shall be protected against erosion and scour during flooding by vegetative cover, riprap, or other structural measure;

(d) The fill shall be composed of rock or soil and not incorporated debris or refuse material; and

(e) Shall not adversely affect the flow of surface drainage from or onto neighboring properties and when necessary stormwater management techniques such as swales or basins shall be incorporated.

(2) The building may be elevated on solid walls in accordance with the following:

(a) The building or improvements shall be elevated on stilts, piles, walls, crawlspace, or other foundation that is permanently open to flood waters;

(b) The lowest floor and all electrical, heating, ventilating, plumbing, and air conditioning equipment and utility meters shall be located at or above the flood protection elevation;

(c) If walls are used, all enclosed areas below the flood protection elevation shall address hydrostatic pressures by allowing the automatic entry and exit of flood waters. Designs must either be certified by a licensed professional engineer or by

having a minimum of 1 permanent opening on each wall no more than 1 foot above grade with a minimum of 2 openings. The openings shall provide a total net area of not less than 1 square inch for every 1 square foot of enclosed area subject to flooding below the base flood elevation; and

(d) The foundation and supporting members shall be anchored, designed, and certified so as to minimize exposure to hydrodynamic forces such as current, waves, ice, and floating debris.

1. All structural components below the flood protection elevation shall be constructed of materials resistant to flood damage;

2. Water and sewer pipes, electrical and telephone lines, submersible pumps, and other service facilities may be located below the flood protection elevation provided they are waterproofed;

3. The area below the flood protection elevation shall be used solely for parking or building access and not later modified or occupied as habitable space; or

4. In lieu of the above criteria, the design methods to comply with these requirements may be certified by a licensed professional engineer or architect.

(3) The building may be constructed with a crawlspace located below the flood protection elevation provided that the following conditions are met:

(a) The building must be designed and adequately anchored to resist flotation, collapse, and lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy;

(b) Any enclosed area below the flood protection elevation shall have openings that equalize hydrostatic pressures by allowing for the automatic entry and exit of floodwaters. A minimum of 1 opening on each wall having a total net area of not

less than 1 square inch per 1 square foot of enclosed area. The openings shall be no more than 1 foot above grade;

(c) The interior grade of the crawlspace below the flood protection elevation must not be more than 2 feet below the lowest adjacent exterior grade;

(d) The interior height of the crawlspace measured from the interior grade of the crawl to the top of the foundations wall must not exceed 4 feet at any point;

(e) An adequate drainage system must be installed to remove floodwaters from the interior area of the crawlspace within a reasonable period of time after a flood event;

(f) Portions of the building below the flood protection elevation must be constructed with materials resistant to flood damage; and

(g) Utility systems within the crawlspace must be elevated above the flood protection elevation.

(C) Non-residential buildings may be structurally dry floodproofed (in lieu of elevation) provided a licensed professional engineer or architect certifies that:

(1) Below the flood protection elevation the structure and attendant utility facilities are watertight and capable of resisting the effects of the base flood.

(2) The building design accounts for flood velocities, duration, rate of rise, hydrostatic and hydrodynamic forces, the effects of buoyancy, and the impact from debris and ice.

(3) Floodproofing measures will be incorporated into the building design and operable without human intervention and without an outside source of electricity.

(4) Levees, berms, floodwalls and similar works are not considered floodproofing for the purpose of this division (C).

(D) Manufactured homes or travel trailers to be permanently installed on site shall be:

(1) Elevated to or above the flood protection elevation in accordance with § 151.07(B); and

(2) Anchored to resist flotation, collapse, or lateral movement by being tied down in accordance with the rules and regulations for the Illinois Mobile Home Tie-Down Act issued pursuant to 77 Ill. Adm. Code § 870.

(E) Travel trailers and recreational vehicles on site for more than 180 days per year shall meet the elevation requirements of § 151.07(D) unless the following conditions are met:

(1) The vehicle must be either self-propelled or towable by a light duty truck;

(2) The hitch must remain on the vehicle at all times;

(3) The vehicle must not be attached to external structures such as decks and porches;

(4) The vehicle must be designed solely for recreation, camping, travel, or seasonal use rather than as a permanent dwelling;

(5) The vehicle's largest horizontal projections must be no larger than 400 square feet;

(6) The vehicle's wheels must remain on axles and inflated;

(7) Air conditioning units must be attached to the frame so as to be safe for movement of the floodplain;

(8) Propane tanks as well as electrical and sewage connections must be quick-disconnect;

(9) The vehicle must be licensed and titled as a recreational vehicle or park model; and

(10) Must either:

(a) Entirely be supported by jacks; or

(b) Have a hitch jack permanently mounted, have the tires touching the ground and be supported by block in a manner that will allow the block to be easily removed by used of the hitch jack.

(F) Garages, sheds or other minor accessory structures constructed ancillary to an existing residential use may be permitted provided the following conditions are met:

(1) The garage of shed must be non-habitable.

(2) The garage or shed must be used only for the storage of vehicles and tools and cannot be modified later into another use.

(3) The garage or shed must be located outside of the floodway or have the appropriate state and/or federal permits.

(4) The garage or shed must be on a single-family lot and be accessory to an existing principal structure on the same lot.

(5) Below the base flood elevation, the garage or shed must be built of materials not susceptible to flood damage.

(6) All utilities, plumbing, heating, air conditioning and electrical must be elevated above the flood protection elevation.

(7) The garage or shed must have at least 1 permanent opening on each wall not more than 1 foot above grade with 1 square inch of opening for every 1 square foot of floor area.

(8) The garage or shed must be less than \$15,000 in market value or replacement cost whichever is greater or less than 576 square feet (24 feet by 24 feet).

(9) The structure shall be anchored to resist floatation and overturning.

(10) All flammable or toxic materials (gasoline, paint, insecticides, fertilizers, and the like) shall be stored above the flood protection elevation.

(11) The lowest floor elevation should be documented and the owner advised of the flood insurance implications.
(Ord. 2282, passed 6-27-2011)

§ 151.08. SUBDIVISION REQUIREMENTS.

(A) The City of LaSalle shall take into account hazards, to the extent that they are known, in all official actions related to land management use and development.

(B) (1) New subdivisions, manufactured home parks, annexation agreements, planned unit developments, and additions to manufactured home parks and subdivisions shall meet the damage prevention and building protections standards of §§ 151.06 and 151.07. Any proposal for such development shall include the following data:

(a) The base flood elevation and the boundary of the floodplain, where the base flood elevation is not available from an existing study, the applicant shall be responsible for calculating the base flood elevation;

(b) The boundary of the floodway when applicable; and

(c) A signed statement by a licensed professional engineer that the proposed plat or plan accounts for changes in the drainage of surface waters in accordance with the Plat Act (ILCS Ch. 765, Act 205, § 2).

(2) Streets, blocks lots, parks and other public grounds shall be located and laid out in such a manner as to preserve and utilize natural streams and channels. Wherever possible the floodplains shall be included within parks or other public grounds.
(Ord. 2282, passed 6-27-2011)

§ 151.09 PUBLIC HEALTH AND OTHER STANDARDS.

(A) Public health standards must be met for all floodplain development. In addition to the requirements of §§ 151.06 and 151.07, the following standards apply:

(1) No development in the floodplain shall include locating or storing chemicals, explosives, buoyant materials, flammable liquids, pollutants, or other hazardous or toxic materials below the flood protection elevation unless such materials are stored in a floodproofed and anchored storage tank and certified by a professional engineer or floodproofed building constructed according to the requirements of § 151.07.

(2) Public utilities and facilities such as sewer, gas and electric shall be located and constructed to minimize or eliminate flood damage.

(3) Public sanitary sewer systems and water supply systems shall be located and constructed to minimize or eliminate infiltration of flood waters into the systems and discharges from the systems into flood waters.

(4) New and replacement on-site sanitary sewer lines or waste disposal systems shall be located and constructed to avoid impairment to them or contamination from them during flooding. Manholes or other above ground openings located below the flood protection elevation shall be watertight.

(5) Construction of new or substantially improved critical facilities shall be located outside the limits of the floodplain. Construction of new critical facilities shall be permissible within the floodplain if no feasible alternative site is available. Critical facilities constructed within the SFHA shall have the lowest floor (including basement) elevated or structurally dry floodproofed to the 500-year flood frequency elevation or 3 feet above the level of the 100-year flood frequency elevation whichever is greater. Floodproofing and sealing measures must be taken to ensure that toxic substances will not be displaced by or released into floodwaters. Access

routes elevated to or above the level of the base flood elevation shall be provided to all critical facilities.

(B) All other activities defined as development shall be designed so as not to alter flood flows or increase potential flood damages.
(Ord. 2282, passed 6-27-2011)

§ 151.10 CARRYING CAPACITY AND NOTIFICATION.

(A) For all projects involving channel modification, fill, or stream maintenance (including levees), the flood carrying capacity of the watercourse shall be maintained.

(B) In addition, the City of LaSalle shall notify adjacent communities in writing 30 days prior to the issuance of a permit for the alteration or relocation of the watercourse.
(Ord. 2282, passed 6-27-2011)

§ 151.11 VARIANCES.

Whenever the standards of this chapter place undue hardship on a specific development proposal, the applicant may apply to the City Planning Commission for a variance. The City Planning Commission shall review the applicant's request for a variance and shall submit its recommendation to the City of LaSalle. The City of LaSalle may attach such conditions to granting of a variance as it deems necessary to further the intent of this chapter.

(A) No variance shall be granted unless the applicant demonstrates that all of the following conditions are met:

(1) The development activity cannot be located outside the floodplain;

(2) An exceptional hardship would result if the variance were not granted;

(3) The relief requested is the minimum necessary;

(4) There will be no additional threat to public health, safety or creation of a nuisance;

(5) There will be no additional public expense for flood protection, rescue or relief operations, policing, or repairs to roads, utilities, or other public facilities;

(6) The applicant's circumstances are unique and do not establish a pattern inconsistent with the intent of the NFIP; and

(7) All other state and federal permits have been obtained.

(B) The City of LaSalle Building Inspector shall notify an applicant in writing that a variance from the requirements of the building protections standards of § 151.07 that would lessen the degree of protection to a building will:

(1) Result in increased premium rates for flood insurance up to \$25 per \$100 of insurance coverage;

(2) Increase the risk to life and property; and

(3) Require that applicant proceed with knowledge of these risks and that the applicant acknowledge in writing the assumption of the risk and liability.

(C) *Historic structures.* Variances to the building protection requirements of § 151.07 which are requested in connection with reconstruction, repair, or alteration of a historic site or historic structure as defined in this chapter may be granted using criteria more permissive than the requirements of §§ 151.06 and 151.07 subject to the conditions that:

(1) The repair or rehabilitation is the minimum necessary to preserve the historic character and design of the structure.

(2) The repair or rehabilitation will not result in the structure being removed as a certified historic structure.

(D) *Agriculture.*

(1) Any variance granted for an agricultural structure shall be decided individually based on a case by case analysis of the building's unique circumstances. Variances granted shall meet the following conditions as well as those criteria and conditions set forth in this chapter.

(2) In order to minimize flood damages during the 100-year flood and the threat to public health and safety, the following conditions shall be included for any variance issued for agricultural structures that are constructed at-grade and wet-floodproofed.

(a) All agricultural structures considered for a variance from the floodplain management regulations of this chapter shall demonstrate that the varied structure is located in wide, expansive floodplain areas and no other alternate location outside of the special flood hazard area exists for the agricultural structure. Residential structures or animal confinement facilities, such as farm houses, cannot be considered agricultural structures.

(b) Use of the varied structures must be limited to agricultural purposes in Zone A only as identified on the community's Flood Insurance Rate Map (FIRM).

(c) For any new or substantially damaged agricultural structures, the exterior and interior building components and elements (i.e., foundation, wall framing, exterior and interior finishes, flooring, and the like) below the base flood elevation, must be built with flood-resistant materials in accordance with § 151.07.

(d) The agricultural structures must be adequately anchored to prevent flotation, collapse, or lateral movement of the structures in accordance with § 151.07. All of the building's structural components must be capable of resisting specific flood-related forces including hydrostatic, buoyancy, and hydrodynamic and debris impact forces.

(e) Any mechanical, electrical, or other utility equipment must be located above the base flood elevation or floodproofed so that they are contained within a watertight, floodproofed enclosure that is capable of resisting damage during flood conditions in accordance with § 151.07.

(f) The NFIP requires that enclosure or foundation walls, subject to the 100-year flood, contain openings that will permit the automatic entry and exit of floodwaters in accordance with § 151.07(B).

(g) The agricultural structures must comply with the floodplain management floodway provisions of § 151.06. No variances may be issued for agricultural structures within any designated floodway.

(h) Wet-floodproofing construction techniques must be reviewed and approved by the Floodplain Administrator and a registered professional engineer or architect prior to the issuance of any floodplain development permit for construction. (Ord. 2282, passed 6-27-2011)

§ 151.12 DISCLAIMER OF LIABILITY.

The degree of protection required by this chapter is considered reasonable for regulatory purposes and is based on available information derived from engineering and scientific methods of study. Larger floods may occur or flood heights may be increased by manmade or natural causes. This chapter does not imply that development either inside or outside of the floodplain will be free from flooding or damage. This chapter does not create liability on the part of the City of LaSalle or any officer or employee thereof for any flood damage that results from proper reliance on this chapter or any administrative decision made lawfully thereunder.

(Ord. 2282, passed 6-27-2011)

§ 151.13 ABROGATION AND GREATER RESTRICTIONS.

This chapter repeals and replaces other ordinances adopted by the City of LaSalle to fulfill the requirements of the National Flood Insurance Program to the extent in any manner inconsistent herewith including, but not being limited to Ordinance Number 1746 passed and adopted 08-20-2001. However, notwithstanding anything else contained herein suggesting to the contrary, this chapter does not repeal the original resolution or ordinance adopted to achieve eligibility in the program. Nor does this chapter repeal, abrogate, or impair any existing easements, covenants, or deed restrictions. Where this chapter and other ordinance easements, covenants or deed restrictions conflict or overlap, whichever imposes the more stringent restrictions shall prevail. (Ord. 2282, passed 6-27-2011)

§ 151.99 PENALTY.

Failure to obtain a permit for development in the floodplain or failure to comply with the conditions of a permit or a variance shall be deemed to be a violation of this chapter. Upon due investigation, the City of LaSalle Building Inspector may determine that a violation of the minimum standards of this chapter exists. The City of LaSalle Building Inspector shall notify the owner in writing of such violation.

(A) If such owner fails after 10 days notice to correct the violation:

(1) The City of LaSalle shall make application to the circuit court for an injunction requiring conformance with this chapter or make such other order as the court deems necessary to secure compliance with this chapter;

(2) Any person who violates this chapter shall upon conviction thereof be fined not less than \$50 or more than \$750 for each offense;

(3) A separate offense shall be deemed committed upon each day during or on which a violation occurs or continues; and

(4) The City of LaSalle shall record a notice of violation on the title of the property.

(B) (1) The City of LaSalle Building Inspector shall inform the owner that any such violation is considered a willful act to increase flood damages and therefore may cause coverage by a standard flood insurance policy to be suspended.

(2) The City of LaSalle Building Inspector is authorized to issue an order requiring the suspension of the subject development. The stop-work order shall be in writing, indicate the reason for the issuance, and shall order the action, if necessary, to resolve the circumstances requiring the stop-work order. The stop-work order constitutes a suspension of the permit.

(3) No site development permit shall be permanently suspended or revoked until a hearing is held by the City Planning Commission. Written notice of such hearing shall be served on the permittee and shall state:

(a) The grounds for the complaint, reasons for suspension or revocation; and

(b) The time and place of the hearing.

(4) At such hearing the permittee shall be given an opportunity to present evidence on their behalf. At the conclusion of the hearing, the City Planning Commission shall determine whether the permit shall be suspended or revoked.

(C) Nothing herein shall prevent the City of LaSalle from taking such other lawful action to prevent or remedy any violations. All costs connected therewith shall accrue to the person or persons responsible.

(Ord. 2282, passed 6-27-2011)

CHAPTER 152: RESIDENTIAL RENTAL PROPERTY

Section

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- 152.02 Inspection rights and penalties
- 152.03 License required
- 152.04 License application
- 152.05 Inspection requirements
- 152.06 Enforcement
- 152.07 Violations
- 152.08 License; suspension and revocation
- 152.09 Owner responsibility
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- 152.12 Effective date

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§ 152.01 DEFINITIONS.

For the purposes of this chapter, the following definitions shall apply unless the context clearly indicates and requires a different meaning.

BED AND BREAKFAST INN. A single-family dwelling or portion thereof where rooms without cooking facilities for the occupancy of temporary guests are provided at a daily rate of compensation for a maximum of 7 consecutive days, and where meals are provided for compensation in contradistinction to a hotel, a motel or a rooming house which are separately defined within this chapter.

CODE OFFICIAL. The Building Inspector or designee.

DEPARTMENT. The Building Department of the City of LaSalle.

DWELLING. A building, or portion thereof, used exclusively for human habitation.

DWELLING UNIT. One or more rooms containing individualized cooking, sleeping and sanitary facilities, which is designed, occupied or intended for use by 1 household.

HOTEL. A building in which lodging with accompanying bathrooms is provided and offered to temporary guests for compensation and in which ingress and egress to all rooms is provided through an interior lobby or office supervised by a person in charge at all hours. Maid service, linen laundering, telephone and secretarial or desk service are also provided for lodgers in contradistinction to a motel, a rooming house or a bed and breakfast inn which are separately defined within this chapter.

MOTEL. A building or group of buildings in which lodging rooms with accompanying bathrooms are provided and offered primarily to temporary guests for compensation in contradistinction to a hotel, a rooming house or a bed and breakfast inn which are separately defined within this chapter. A **MOTEL** also furnishes services such as maid service and linen laundering and provides secretarial and desk service.

MULTIPLE-FAMILY RENTAL RESIDENTIAL PROPERTY. A rental residential property with 2 or more dwelling units.

OCCUPANT. A resident of rental residential property other than a tenant who occupies the rental residential property pursuant to the lease of the tenant with the owner.

PROPERTY AGENT. A person, operator, firm, partnership, corporation, or other legal entity designated in writing by the property owner to the Code Official to manage a rental residential property including the authority to receive notices or citations.

RENTAL RESIDENTIAL PROPERTY.

Dwellings, dwelling units, rooming houses and rooming units let or intended to be let for rent or lease.

ROOMING HOUSE. A building containing rooming units in which meals may or may not be served in contradistinction to a hotel or motel or bed and breakfast inn which are separately defined within this chapter.

ROOMING UNIT. A room rented or leased as sleeping and living quarters, but without cooking facilities and with or without an individual bathroom. In a suite of rooms without cooking facilities, each room which provides sleeping facilities shall be counted as 1 ***ROOMING UNIT*** for the purpose of this chapter.

SINGLE-FAMILY RENTAL RESIDENTIAL PROPERTY. Rental residential property with 1 dwelling unit.

TENANT. A lessee of rental residential property. (Ord. 2206, passed 1-11-2010)

§ 152.02 INSPECTION RIGHTS AND PENALTIES.

This chapter shall not be construed as to restrict the right of this city to inspect any property nor to seek penalties for violations of other provisions of other city ordinances.

(Ord. 2206, passed 1-11-2010)

§ 152.03 LICENSE REQUIRED.

(A) It is unlawful for any person, firm, partnership, corporation or other legal entity to operate, maintain or offer to rent within the city a rental residential property whether vacant or not without first obtaining a license as provided in this chapter.

(B) It is unlawful for a person to occupy a rental residential property, or for any owner or property agent to allow anyone to occupy a rental residential

property which is not licensed as provided in this chapter.

(C) It is unlawful for any person, firm, partnership, corporation or other legal entity to offer for rent or to occupy any vacant dwelling unit or rooming unit or any dwelling unit or rooming unit that becomes vacant in a rental residential property for which a license is under suspension.

(D) This chapter shall not apply to the following structures:

(1) Single-family owner-occupied dwellings.

(2) Single-family dwellings occupied by a member of the owner's family. The family is limited to the following relatives of the owner: parents, children, mother-in-law, father-in-law, brothers, sisters, brother-in-law, sister-in-law, wife, and/or husband.

(3) Single-family dwellings which are vacant but which are not intended to be let for rent.

(4) Townhouse and condominium owner-occupied dwellings.

(5) Hotels, motels and bed and breakfast inns.

(6) Dwellings, buildings, structures and uses licensed and inspected by the state or the federal government, including, but not limited to, nursing homes, retirement centers, rest homes, and the like.

(7) Dwellings, buildings, structures and uses owned by other governmental agencies and public housing authorities.

(8) Multiple-family rental residential property in which each dwelling unit is occupied by a record owner of the property.

(E) A license for a rental residential property cannot be transferred to another rental residential property nor a succeeding owner. (Ord. 2206, passed 1-11-2010)

§ 152.04 LICENSE APPLICATION.

(A) Each applicant for a license or renewal license to maintain a rental residential property for the purpose of renting it to others or for the purpose of allowing others to occupy it as a dwelling unit or a rooming unit shall file a written application with the Code Official stating:

(1) The full legal name, address, and home and work telephone numbers of each and every owner of the rental residential property.

(2) The address of the rental residential property.

(3) The number of dwelling units or rooming units within the rental residential property.

(4) In the case of a rental residential property owner who is not a resident of the city, the name, address and phone number of his or her agent with authority for receipt of service or notice of a violation of the provisions of this chapter and/or for receipt of service or notice related to compliance and/or enforcement of this chapter and/or the building or zoning ordinances of the City of LaSalle.

(5) Whenever there is a change in the ownership of a rental residential property or the owner's property agent, the owners shall, within 30 days of such changes, file an updated written notice with the Code Official indicating such changes.

(6) The total square footage designated for living and sleeping purposes within the rental residential property as determined by the city's property maintenance code.

(7) Approval must be obtained from the Code Official prior to any change being made in the number of dwelling units or rooming units within a licensed rental residential property. Application for such change shall be made on a form provided by the Code Official. The Code Official will review the proposed change and respond to the property owner within 30 days of the filing of the application. Any and all changes must meet all zoning, property

maintenance code and building code requirements of the City of LaSalle. If the change increases the total number of dwelling units or rooming units in the building beyond 2, plans from a licensed architect must be submitted to the code official for approval.

(B) Each application for a new license or a renewal of an existing license shall be accompanied by a fee of \$30 for single-family dwelling rental residential properties, \$30 for multiple-family dwelling residential properties, and \$30 for rooming house residential properties. In addition thereto, a dwelling unit and rooming unit fee of \$30 will be added for each dwelling unit and rooming in excess of one. All such fees shall be payable at the office of the Building Department. Each application for a new license or a renewal license shall also be accompanied by copy or copies of the written notice or notices required under § 152.09(C) advising each tenant of the maximum number of persons allowable as either a tenant or occupant by the occupancy standards of the city's property maintenance code. Applications for a new license shall be assigned an annual license renewal date determined by the date on which their application for a new license was filed with the city. All licenses shall expire on the day following that annual license renewal date.
(Ord. 2206, passed 1-11-2010)

§ 152.05 INSPECTION REQUIREMENTS.

(A) All rental residential property shall be subject to an inspection as a condition to the issuance of the license. An inspection shall be scheduled with the Code Official at the time of the application for a license for a rental residential property.

(B) Upon receipt of a completed application for a license or renewal license for a rental residential property, including the payment of all required fees and the scheduling of a required licensing inspection, the Code Official shall issue a license.

(C) Licensing inspections of rental residential property shall be conducted not less than 90 days from the issuance of an initial license or renewal license. The licensing inspection shall determine whether the

rental residential property is in conformance with the city's zoning ordinance and all other applicable provisions of this chapter and/or the property maintenance code. The licensing inspection shall also include a physical inspection of the rental residential property including the building exterior, common areas, basement, and all individual dwelling units and rooming units.

(D) When a licensing inspection of a rental residential property reveals any violations of applicable ordinances, a compliance time frame will be set by the Code Official. In establishing a compliance time frame, the Code Official shall determine the reasonable minimal time necessary to correct the violations based upon the number and severity of the violations. The Code Official shall send notice to the property owner or the listed property agent by regular U.S. mail at the last address provided on the most recent license application. The notice shall include the following:

- (1) Description of the property sufficient for identification;
- (2) A statement listing the violations of applicable ordinances;
- (3) A statement of the date upon which the licensing re-inspection will occur; and
- (4) An explanation that if upon completion of the licensing re-inspection that the requirements of applicable city ordinances have not been met, a written denial of the license application revoking the temporary certificate will be issued.

(E) A licensing re-inspection will be conducted at the end of the compliance time frame. The license shall remain in effect upon the successful completion of a licensing re-inspection that determines the rental residential property meets the requirements of applicable city ordinances. If the Code Official finds that the requirements of applicable city ordinances have not been met, or that any information provided in the license application is false, the license shall be suspended or revoked in accordance with § 152.08.

(F) A rental residential property which is in total compliance at the time of the licensing inspection shall receive a 1-year extension of the license subject to payment of the annual licensing fee and with additional inspections being conducted at the discretion of the Building Inspector.

(G) Applications for license renewals shall be made in the same manner as for new applications except that such applications shall state thereon such fact.

(Ord. 2006, passed 1-11-2010)

§ 152.06 ENFORCEMENT.

It shall be the duty of the Department of the Building Inspector to enforce the provisions of this chapter as authorized by the City of LaSalle and the property maintenance code as adopted and amended by the city. The Code Official referred to in this chapter shall be the Building Inspector of the City of LaSalle and/or any other representative of the City of LaSalle that may be specifically designated by the City Council of the City of LaSalle to be the Code Official for purposes of this chapter unless and until such time as the City Council appoints a different representative. Additionally, the Appeals Board referred to herein shall be the body of officials of the Zoning Board of Appeals of the City of LaSalle. Any final decision of the Zoning Board of Appeals may be pursued through the Circuit Court of LaSalle County pursuant to the law and provisions made in respect to appeals of administrative decisions in administrative review.

(Ord. 2206, passed 1-11-2010)

§ 152.07 VIOLATIONS.

The following shall constitute violations of this chapter:

(A) Failure of the owner or owners of the rental residential property to license such property with the Code Official.

(B) Failure of the occupants of the rental residential property to vacate such property within 60 days after receiving notice from the Code Official that such property is not properly licensed or that the license or temporary certificate has been revoked.

(C) Failure of the owner of the rental residential property to vacate all tenants from the property within 60 days after the license or temporary certificate has been revoked.

(D) Failure of the owners of the rental residential property to maintain the structure and premises in compliance with applicable building, property maintenance and zoning ordinances.

(E) Any person other than an inspector from the department who removes or defaces any notices which have been posted pursuant to this chapter without the approval of the Code Official shall be liable for the penalties provided for by this chapter.

(F) Failure of the owner of the rental residential property to comply with any other applicable provision of this chapter or other city ordinances. (Ord. 2206, passed 1-11-2010)

§ 152.08 LICENSE; SUSPENSION AND REVOCATION.

(A) A license may be suspended when violations of applicable city ordinances, state statutes and/or state regulations have been identified by the department and the property owner has been properly notified of the violations and given a reasonable period of time in which to correct violations, but has failed to do so. A license may also be suspended when any information provided in the license application is determined by the Code Official to be false.

(B) When an inspection of a licensed rental residential property reveals any violations of applicable ordinances, a compliance time frame will be set by the Code Official using the standard as set forth in § 152.05(E). The Code Official shall send notice to the property owner or the listed property agent by regular U.S. mail at the last address provided

on the most recent license application. The notice shall include the following:

(1) Description of the rental residential property sufficient for identification;

(2) A statement listing the violations of applicable ordinances;

(3) A statement on the date upon which a re-inspection will occur; and

(4) An explanation that if upon completion of the re-inspection that the requirements of applicable city ordinances have not been met, that the license for the rental residential property will be suspended.

(C) A re-inspection will be conducted at the end of the compliance time frame. If the Code Official finds that the requirements of applicable city ordinances have not been met upon the completion of such re-inspection, the license for the rental residential property shall be suspended.

(D) When a license is suspended, the Code Official shall send notice to the property owner or the listed property agent at the last address provided on the most recent license application. The notice shall be sent by certified mail, return receipt requested, or personally served upon the property owner or the property agent listed on the most recent license application. The notice shall include the following:

(1) Description of the property sufficient for identification;

(2) A statement of the reasons for the suspension;

(3) An explanation of the property owner's right to appeal the suspension;

(4) If the property owner changes his or her address or changes property agents and fails to notify the department, such notice shall be sufficient if sent by certified mail to the owner or his or her property agent's last address provided on the last license application.

(E) A property owner whose license has been suspended may request a re-inspection prior to revocation. If, upon re-inspection, the department finds that the licensed rental residential property in connection with which the notice was issued is now in compliance with this chapter, the Code Official may reinstate the license. The request for a re-inspection shall not stay the revocation of the license unless the Code Official grants such request pursuant to a showing of good cause by the property owner.

(F) Any person whose license has been suspended shall be entitled to appeal the suspension by filing a petition as set forth in the property maintenance code ordinance of the City of LaSalle with the Appeals Board vested with the authority for considering any such petition. Such an appeal shall operate as a stay of the revocation until such time as the Appeals Board renders a decision on the appeal. A hearing shall be scheduled in accordance with the provisions of this code and the rules and regulations of the Appeals Board. The Appeals Board considering any such petition may immediately revoke the license, continue the suspension to a definite compliance date with revocation being the penalty for noncompliance, or dismiss the charges and reinstate the license. The Appeals Board shall render a decision in accordance with the provisions of this chapter and its rules and regulations.

(G) A license may be revoked when a petition for appeal has not been filed within 20 days following the date of issuance of an order of suspension, or, if the suspension is sustained after appeal. A license may also be revoked when in the opinion of the Code Official emergency conditions exist in a rental residential property that require the immediate vacating of a structure as specified in the city's property maintenance code.

(H) A license which has been properly revoked as herein provided shall not be reinstated. The property owner may, however, obtain a new license after all violations have been corrected and by following the procedures for obtaining a new license as set forth in this chapter, including the payment of all applicable fees.

(I) If a license is revoked without having the opportunity of a suspension hearing, the property owner has the right to appeal that revocation. The appeal shall conform to division (F) above. Such an appeal shall operate as a stay of the revocation until such time as the Appeals Board renders a decision on the appeal.

(J) (1) Whenever a license is revoked, the Code Official shall send notice to the property owner or the listed property agent at the last address provided on the most recent license application. The notice shall be sent by certified mail, return receipt requested. The Code Official shall also notify all tenants and occupants of the rental residential property by posting a notice on all entrances to the rental residential structure. The notice to the tenants and occupants shall include the following:

“(a) You are hereby notified that the license for this structure has been revoked pursuant to Ordinance of the City of LaSalle.

(b) You must vacate this structure within sixty (60) days of the date of this notice.

(c) If you fail to vacate this structure, you will be in violation of Ordinance of the City of LaSalle and subject to penalties of fines with a minimum of \$50.00 and a maximum of \$500.00 for each day you are in violation.”

(2) Any tenant of the rental residential property may appeal the revocation of the license. The appeal shall conform with division (F) of this section. Such an appeal shall operate as a stay of the revocation until such time as the Appeals Board renders a decision on the appeal.

(K) (1) Whenever an owner or property agent of a rental residential property fails to license the property with the department, the Code Official shall notify all tenants and occupants of the rental residential property by posting a notice on all entrances to the rental residential property indicating the following:

“(a) You are hereby notified that the owner or agent of this structure has failed to license this rental residential property with the department in violation of Ordinance of the City of LaSalle.

(b) You must vacate this structure within sixty (60) days of this notice.

(c) If you fail to vacate this structure, you will be subject to the penalties and fines with a minimum of \$50.00 and a maximum of \$500.00 for each day you are in violation.”

(2) Any tenant of the rental residential property may appeal the Code Official’s order to vacate the structure because the owner has failed to license the property with the department. Said appeal shall conform with division (F) of this section. Such an appeal shall operate as a stay of the order to vacate the structure until such time as the Appeals Board renders a decision on the appeal.
(Ord. 2206, passed 1-11-2010)

§ 152.09 OWNER RESPONSIBILITY.

(A) The owner of a rental residential property shall maintain a record for each property with the full legal names of every tenant or occupant residing in each dwelling unit or rooming unit.

(B) The owner or property agent of a rental residential property shall provide the City of LaSalle and each tenant with the name and telephone number of a responsible person who, in emergency situations, will be available on a 24-hour basis and who has the authority to make repairs as needed.

(C) The owner of a rental residential property shall inform each tenant in writing, prior to occupancy, of the maximum number of persons allowable by the occupancy standards of the city’s property maintenance code. This number shall be determined by the Code Official.

(D) The owner of a rental residential property shall make available to the Code Official, upon request, the tenant and occupant records required to be maintained under this section.

(E) Commencing with October 1, 2010, the owner of a rental residential property that has a common hallway/common entrance shall cause to be installed and equipped a key lock box on the exterior of the structure to aid the LaSalle Fire Department in gaining access to the common hallway/common entrance to the structure when responding to calls for emergency service; the owner of a residential rental property shall at all times keep a key in the lock box that will allow for access to the structure; additionally, the Fire Chief shall be authorized to implement such other rules and regulations as the Fire Chief deems appropriate within the Fire Chief’s discretion for the use of the lock box system.

(Ord. 2206, passed 1-11-2010)

§ 152.10 INSPECTION ACCESS.

If any owner, property agent, tenant, occupant or other person in control of a rental residential property or a dwelling unit or a rooming unit contained therein fails or refuses to consent to free access and entry to the property or dwelling unit or rooming unit under his or her control for any inspection pursuant to this chapter, the Code Official or his or her designee may apply to the circuit court for a search warrant or other appropriate court order authorizing such inspections. However, except in an emergency situation, no application for such a search warrant shall be made without first making a reasonable effort to secure access and entry to the property or dwelling unit or rooming unit through the owner or the owners property agent as identified by the owner pursuant to §§ 152.04(A) and 152.09(B) herein. The remedies provided by this section are also in addition to the remedies available to the City of LaSalle and other law enforcement agencies in reference to alleged violations of criminal laws of the State of Illinois and/or the United States of America.

(Ord. 2206, passed 1-11-2010)

§ 152.11 NO EFFECT ON LEASES.

This chapter is not intended to and does not affect the rights and obligations of the parties to a lease, oral or written, of a rental residential property.

(Ord. 2206, passed 1-11-2010)

§ 152.12 EFFECTIVE DATE.

This chapter shall be in full force and effect 6 months following its passage, approval and publication, as provided by law.

(Ord. 2206, passed 1-11-2010)

§ 152.99 PENALTY.

Any person, firm or corporation violating any of the provisions of this chapter, in addition to other legal and equitable remedies available to the city, shall be fined as provided below:

(A) Any person violating any of the provisions or failing to comply with any of the mandatory requirements of this chapter shall be guilty of an offense. Except in cases where a different penalty is prescribed by any ordinances of the city, any person convicted of an offense under this chapter of the City of LaSalle shall be punished by a fine of not less than \$50 nor more than a fine of \$500.

(B) Each day during which a violation of this chapter continues or is permitted to exist shall be considered a separate and distinct offense.

(C) In all cases where the same offense is made punishable or is created by different clauses or sections of this chapter, the prosecuting officer may proceed to hearing under any and all such sections any clauses; but not more than a maximum fine of \$500 shall be had against the same person or entity for the same day of the same offense; provided that the revocation of a license or permit shall not be considered a recovery or penalty so as to bar any other penalty being enforced.

(D) The levy and/or payment of any penalty or fine provided in this chapter shall not be deemed a waiver of the power of the city to suspend, revoke or refuse to renew any license or permit for cause.

(Ord. 2206, passed 1-11-2010)

CHAPTER 153: ZONING

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GENERAL PROVISIONS

§ 153.001 TITLE.

This chapter shall be known and may be cited and referred to as the zoning ordinance of the city.
(1963 Code, § 10-1-1) (Ord. 590, passed 6-26-1958)

§ 153.002 DEFINITIONS.

For the purpose of this chapter the following definitions shall apply unless the context clearly indicates or requires a different meaning.

ACCESSORY BUILDING OR USE. A subordinate building or use customarily incident to and located on the same lot occupied by the main building or use and constructed or established at the same time or after construction of the main building or use.

ADULT BOOK STORES. An establishment having as a substantial portion of its stock in trade, books, magazines, films for sale or viewing on the premises by use of motion picture devices or any other coin operated means, and other periodicals which are distinguished or characterized by their emphasis on matter depicting, describing, or relating to specified sexual activities, or specified anatomical areas or an establishment with a segment or section devoted to the sale or display of such material.

ADULT ENTERTAINMENT CABARET. A public or private establishment which is licensed to serve food and/or alcoholic beverages, which features topless dancers and/or waitresses, strippers, male or female impersonators, or similar entertainers.

ADULT MINI MOTION PICTURE THEATER. An enclosed building with a capacity for less than 50 persons used for presenting material distinguished or characterized by an emphasis on matter depicting, describing, or relating to special sexual activities or specified anatomical areas for observation by patrons thereon.

ADULT MOTION PICTURE THEATER. An enclosed building with a capacity of 50 or more persons used regularly and routinely for presenting motion pictures having as a dominant theme material distinguished or characterized by an emphasis on matter depicting, describing, or relating to specified sexual activities or specified anatomical areas for observation by patrons therein.

ALLEY. A way which affords only a secondary means of access to property abutting thereon.

APARTMENT. A room or suite of rooms intended, designed, or used as a residence by a single family.

APARTMENT HOUSE. See Dwelling, Multiple.

BASEMENT. A story partly underground and having at least 1/2 of its height above the average level of the adjoining ground. A basement shall be counted as a story if subdivided and used for dwelling or business purposes, other than for the quarters of a watchman or janitor.

BOARDING HOUSE. A building other than a hotel where, for compensation and by arrangement, meals or lodging and meals are provided for 3 or more persons.

BODY SHOP OR MODEL STUDIO. Any public or private establishment which describes itself as a body shop or model studio, or where for any form of consideration or gratuity, figure models who display specified anatomical areas are provided to be observed, sketched, drawn, painted, sculptured, photographed, or similarly depicted by person paying such consideration or gratuity, or share for any form of consideration or gratuity, nude and seminude dancing, readings, counseling sessions, body painting, and other activities that present materials distinguished or characterized by an emphasis on matter depicting, describing, or relating to specified sexual activities or specified anatomical areas are provided for observation by or communication to persons paying such consideration or gratuity.

BODY PIERCING. Any procedure whereby a part of the human body is pierced by a sharp instrument in order to allow insertion of a piece of jewelry, a ring or other commercial device through the orifice thus created by a person, firm and/or entity other than a licensed medical and/or osteopathic professional.

BUILDING. Any structure designed or built for the support, enclosure, shelter, or protection of persons, animals, chattels, or property of any kind.

BUILDING, HEIGHT OF. The vertical distance from the grade to the highest point of the coping of a flat roof or to the deck line of a mansard roof, or to the mean height level between eaves and ridge for gable, hip and gambrel roofs.

BUILDING STRUCTURE Any structure or group of structures housing 2 or more business which share a common entry, exit, wall, or frontage wall, including, but not limited to, shopping centers, shopping malls, shopping plazas, or shopping squares.

CELLAR. That portion of a building between floor and ceiling which is wholly or partly below grade, and having more than 1/2 of its height below grade.

CLINIC. An establishment where patients, who are not lodged overnight are admitted for examination and treatment by a group of physicians practicing medicine together.

CLUB. A building or portion thereof or premises owned or operated by a corporation, association, or persons for a social, educational or recreational purpose, but not primarily for profit or to render a service which is customarily carried on as a business.

DISTRICT. Any section of the city for which the zoning regulations governing the use of buildings and premises, the height of buildings, the size of yards, and the intensity of use are uniform.

DWELLING Any building or portion thereof which is designed for or used for residential purposes.

DWELLING, MULTIPLE.. A building designed for or occupied exclusively by 3 or more families.

DWELLING, SINGLE-FAMILY. A building designed for or occupied exclusively by 1 family.

DWELLING, TWO-FAMILY. A building designed for or occupied exclusively by 2 families.

EXPLOSIVES. Any chemical compound or any mechanical mixture containing any oxidizing and combustible units or other ingredients in such proportions, quantities or packing that an ignition by fire, friction, concussion, or detonator of any part of the compound or mixture may cause sudden generation of highly tested gases that the resultant gaseous pressures are capable of producing destructive effects upon life, limb or contiguous objects, but does not mean gasoline, kerosene, naphtha, turpentine, benzine, butane, propane collided nitrocellulose in sheets or rods or grains not under 1/8 of an inch in diameter, wet nitrocellulose and wet nitro starch containing 20% or more moisture or wet picric acid containing or being in 10% or more moisture. Manufactured articles such as fixed ammunition for small arms, fire crackers, safety fuse, matches, and the like, shall not be held to be explosives when the individual units contain explosives in such limited quantity, of such nature or in such packing that it is impossible to produce a simultaneous or a destructive explosion of such units, to the injury of life, limb or property.

FAMILY. One or more persons occupying a dwelling and living as a single housekeeping unit and doing their own cooking on the premises, as distinguished from a group occupying a boarding house, lodging house, or hotel, as herein defined.

FARM. A tract of land used for the growing and storage of the usual agricultural products such as grain, vegetables, and fruits as well as for raising thereon of the usual farm poultry and farm animals

such as horses, cattle, sheep and swine. The term includes the utilization of such land for 1 or more of the above uses including dairy farms with the necessary operations for treating or storing the produce provided, however, that the operation of any accessory uses shall be secondary to that of the normal farming activities. Any tract on which the principal use is the raising of fur bearing animals, such as mink, muskrats, rabbits, and the like, shall not be considered a farm. A commercial feed lot shall not be considered a farm. Residential structures occupied by persons primarily engaged in farming are included in the term **FARMING**. However, there shall not be more than 3 dwellings on any 1 farm.

FILLING STATION. Any building, structure, or land used for the dispensing, sale or offering for sale at retail of any automobile fuels, oils, or accessories, including lubrication of automobiles and replacement or installation of minor parts and accessories but not including major repair work such as motor replacement, body and fender repair, or spray painting.

FRONTAGE. All the property on 1 side of a street between 2 intersecting streets (crossing or terminating), measured along the line of the street, or if the street is dead ended, then all of the property abutting on 1 side between an intersecting street and the dead end of the street.

GARAGE, PRIVATE. An accessory building designed or used for the storage of not more than 4 motor-driven vehicles owned and used by the occupants of the building to which it is accessory, and not storing more than 1 commercial vehicle or any vehicle which exceeds a 2-ton capacity.

GARAGE, PUBLIC. A building or portion thereof, other than a private, storage, or parking garage, designed or used for equipping, servicing, repairing, hiring, selling, or storing motor-driven vehicles.

GARAGE, STORAGE OR PARKING. A building or portion thereof designed or used exclusively for term storage by prearrangement of

motor-driven vehicles, as distinguished from daily storage furnished transients, and within which motor fuels and oils may be sold, but no motor-driven vehicles are equipped, repaired, hired, or sold.

GRADE.

(1) For buildings having walls adjoining 1 street only, the elevation of the sidewalk at the center of the wall adjoining the street.

(2) For buildings having walls adjoining more than 1 street, the average of the elevation of the sidewalk at the centers of all walls adjoining the streets.

(3) For buildings having no wall adjoining the street, the average level of the finished surface of the ground adjacent to the exterior walls of the building.

Any wall approximately parallel to and not more than 5 feet from a street line is to be considered as adjoining the street. Where no sidewalk exists the grade shall be established by the City Engineer.

HOME OCCUPATION. Any occupation or activity entirely incidental to residential use when carried on by a member of the immediate family residing on the premises in connection with which there is used no sign other than a name plate not more than 1 square foot in area, or no display that will indicate from the exterior that the building is being utilized in part for any purpose other than that of a dwelling; there is no commodity sold upon the premises; no person is employed other than a member of the immediate family residing on the premises; and no mechanical equipment is used except of a type that is similar in character to that normally used for purely domestic or household purposes. **HOME OCCUPATION** shall include the use of the premises by a physician, surgeon, dentist, lawyer, clergyman, or other professional person for consultation or emergency treatment but not for the general practice of his profession. **HOME OCCUPATION** shall further include beauty parlors and barber shops when used under the following conditions: Beauty parlors

and barber shops, when entirely incidental to residence use, when carried on in the home by a member of the immediate family residing on the premises in connection with which there is no sign, display, or other evidence that will indicate from the exterior that the building is being utilized in part for any purpose other than that of a dwelling and no person is employed other than a member of the immediate family residing on the premises; then shall such beauty parlors and barber shops be permitted in all residential districts. Commercial beauty parlors and barber shops shall only be permitted in C-1 district as now provided by ordinance.

Clinics, doctors' offices, hospitals, dress shops, millinery shops, real estate offices, tea rooms, tourist homes, animal hospitals, and kennels shall not be deemed to be **HOME OCCUPATIONS**.

HOTEL. A building in which lodging or boarding and lodging are provided and offered to the public for compensation and in which ingress and egress to and from all rooms is made through an inside lobby or office supervised by a person in charge at all hours. As such, it is open to the public in contradistinction to a boarding house, a lodging house, or an apartment which are herein separately defined.

LAUNDROMAT. An establishment providing home type washing, drying, or ironing machines for hire to be used by customers on the premises.

LOADING SPACE. A space within the main building or on the same lot therewith, providing for the standing, loading, or unloading of trucks, and having a minimum dimension of 12 feet by 35 feet and a vertical clearance of at least 14 feet.

LODGING HOUSE. A building other than a hotel where lodging for 3 or more persons is provided for compensation pursuant to previous arrangement.

LOT. A parcel of land occupied or intended for occupancy by a use permitted in this chapter, including 1 main building together with its accessory buildings, the open spaces and parking spaces

required by this chapter, and having its principal frontage upon a street or upon an officially approved place.

LOT, COMMERCIAL FEED. Any tract of land on which the principal use is the raising of, or the concentrated feeding of livestock, fowl, or edible animals or the sale of products derived from such animals.

LOT, CORNER. A lot abutting upon 2 or more streets at their intersection.

LOT, DOUBLE FRONTAGE. A lot having a frontage on 2 nonintersecting streets as distinguished from a corner lot.

LOT OF RECORD. A lot which is part of a subdivision, the map of which has been recorded in the office of the Recorder of Deeds of LaSalle County; or a parcel of land, the deed of which was recorded in the office of the Recorder of Deeds of LaSalle County.

MASSAGE. Any method of pressure on or friction against or stroking, kneading, rubbing, tapping, pounding, vibrating, or stimulating of the external soft parts of the body with the hands or other parts of the human body or with the aid of any mechanical or electrical apparatus or appliance with or without such supplementary aids as rubbing alcohol, liniments, antiseptics, oils, powder, creams, lotions, ointments or other similar preparations commonly used in this practice.

MASSAGE ESTABLISHMENT. An establishment having a fixed place of business where any person, firm, association, or corporation engages in, or carries on, or permits to be engaged in or carried on any of the activities mentioned in the definition of massage of this section.

MINES. Any excavation from the earth whereby minerals, precious stones, ore deposits, coal deposits, or any open pit mine deposits are being or will be conducted.

MOBILE HOME. Any structure designed for long term occupancy and containing sleeping accommodations, a toilet, kitchen facilities with plumbing, and electrical connections provided for attachment to outside systems; designed to be transported after fabrication on its own wheels, or on flatbed or other trailers or detachable wheels which arrives at the site ready for occupancy except for minor and incidental unpacking. **MOBILE HOMES**, as herein defined shall not be permitted in any zoning district within the zoning limits. Travel trailers may be located in any zoning district but shall be used for dwelling purposes.

MOTOR COURT or MOTEL. A building or group of buildings used for the temporary residence of motorists or travelers.

NONCONFORMING USE. The use of land or a building, or portion thereof, which use does not conform with the use regulations of the district in which it is situated.

NURSING HOME. A home for the aged or infirm in which 3 or more persons not of the immediate family are received, kept, or provided with food and shelter or care for compensation; but not including hospitals, clinics, or similar institutions devoted primarily to the diagnosis and treatment of the sick or injured.

OPEN CUT MINING. The mining of coal, clay, stone, sand or other minerals by removing the overburden lying above natural deposits thereof, and mining directly from natural deposits thereby exposed.

PARKING AREA. An open, unoccupied space used or required for use for parking of automobiles exclusively and in which no gasoline or automobile accessories are sold or no other business is conducted and no fees are charged.

PARKING LOT. Any area used in whole or in part for storing or parking motor vehicles and where either a parking fee is charged therefor or the lot is operated in connection with, or for the use of customers of, a commercial or industrial use or where

the parking area is used in connection with or for any other use and is not located on the same lot with the building or use served or within the distance therefrom specified in § 153.062.

PARKING SPACE. A surfaced area, enclosed in the main building or in an accessory building, or unenclosed, having an area of not less than 180 square feet exclusive of driveways, permanently reserved for the temporary storage of 1 automobile and connected with a street or alley by a surfaced driveway which affords satisfactory ingress and egress for automobiles.

PIT MINES. A tract of land, from which overburden has been or is being removed for the purpose of open cut mining.

PLACE. An open unoccupied space or a public or private thoroughfare other than a street or alley permanently reserved as the principal means of access to abutting property.

ROOMING HOUSE. See Lodging House.

SPECIFIED ANATOMICAL AREAS. Any of the following conditions:

(1) Less than completely and opaquely covered:

(a) Human genitals, pubic region, or pubic hair;

(b) Buttock; or

(c) Female breast below a point immediately above the top of the areola; and

(2) Human male genitals in a discernibly turgid state, even if completely covered.

SPECIFIED SEXUAL ACTIVITIES. Any of the following conditions:

(1) Human genitals in a state of sexual stimulation or arousal.

(2) Acts or representations of acts of human masturbation, sexual intercourse or sodomy, bestiality, oral copulation, or flagellation.

(3) Fondling or erotic touching of human genitals, pubic region, buttock, or female breast.

(4) Excretory functions as part or in connection with any activities set forth in (1) through (3) above.

STORY. That portion of a building, other than a cellar or basement (except one used for business or residence), included between the surface of any floor and the surface of the floor next above it or, if there be no floor above it, then the space between the floor and the ceiling next above it.

STORY, HALF. A partial story under a gable, hip, or gambrel roof, the wall plates of which on at least 2 opposite exterior walls are not more than 4 feet above the floor of such story, except that any partial story used for residence purposes, other than for a janitor or caretaker or his family, or by a family occupying the floor immediately below it, shall be deemed a full story.

STREET. A public or private thoroughfare which affords the principal means of access to abutting property.

STREET LINE. A dividing line between a lot, tract, or parcel of land and a contiguous street.

STRUCTURE. Anything constructed or erected, the use of which requires more or less permanent location on the ground or attached to something having a permanent location on the ground, including, but without limiting the generality of the foregoing, advertising signs, billboards, backstops for tennis courts, and pergolas.

STRUCTURAL ALTERATION. Any change, except those required by law, in the supporting members of a building, such as bearing walls, columns, beams, or girders, or any substantial

changes in the roofs or exterior walls but not including openings in bearing walls as permitted by existing laws.

TATTOO, TATTOOED and TATTOOING. Any method of placing designs, letters, scrolls, figures, symbols, or any other marks upon or under the skin by the aid of needles or other instruments designed to touch or puncture the skin by any person, firm or entity other than a licensed medical or licensed osteopathic professional.

TATTOOING OPERATOR. Any individual, firm, company, corporation or association that owns or operates an establishment where tattooing is performed, and any individual, firm or entity other than a licensed medical or licensed osteopathic professional, who performs or practices the art of tattooing other human beings.

TOURIST HOME. A building other than a hotel where lodging is provided and offered to the public for compensation for not more than 20 transient guests.

TRAVEL TRAILER. A vehicular portable structure designated as a temporary dwelling for travel, recreational and vacation uses. One travel trailer may be located on a lot in any zoning district but shall not be used for dwelling purposes.

YARD. An open space at grade between a building and the adjoining lot lines, unoccupied and unobstructed by any portion of a structure from the ground upward, except as otherwise provided herein. In measuring a yard for the purpose of determining the width of a side yard, the depth of a front yard, or the depth of the rear yard, the minimum horizontal distance between the lot line and the main building shall be used.

YARD, FRONT. A yard extending across the front of a lot between the side lot lines, and being the minimum horizontal distance between the street or place line and the main building or any projections thereof other than projections permitted in

§ 153.046(B). On corner lots the front yard shall be considered as parallel to the street upon which the lot has its least dimension.

YARD, REAR. A yard extending across the rear of a lot and being the minimum horizontal distance between the rear lot line and the rear of the main building or any projections thereof other than the projections of uncovered steps, unenclosed balconies, or unenclosed porches. On all lots the rear yard shall be in the rear of the front yard.

YARD, SIDE. A yard between the main building and the side line of the lot, and extending from the required front yard to the required rear yard, and being the minimum horizontal distance between a side lot line and the side of the main buildings or any projections thereto.

(1963 Code, § 10-1-2) (Ord. 590, passed 6-26-1958; Am. Ord. 656, passed 6-3-1963; Am. Ord. 741, passed 10-16-1967; Am. Ord. 1053, passed 10-24-1983; Am. Ord. 1633, passed 3-23-1998; Am. Ord. 2234, passed 6-14-2010)

§ 153.003 INTERPRETATION.

In interpreting and applying the provisions of this chapter, they shall be held to be the minimum requirements for the promotion of the public safety, health, convenience, comfort, prosperity, or general welfare. It is not intended by this title to interfere with or abrogate or annul any easements, covenants, or other agreements between parties; provided, however, that where this title imposes a greater restriction upon the use of buildings or premises or upon the height of buildings or requires larger open spaces than are imposed or required by other provisions of this code, rules, regulations or by easements, covenants, or agreements the provisions of this title shall govern.

(1963 Code, § 10-19-1) (Ord. 590, passed 6-26-1958)

DISTRICT REGULATIONS

§ 153.015 DISTRICTS DESIGNATED.

For the purpose of this chapter, the city within the corporate limits and the land lying outside of and contiguous for a distance of 1½ miles from the corporate limits is hereby divided into districts, of which there shall be 10 in number, as follows:

AG-1. Agricultural District

C-1. Neighborhood Shopping District

C-2. Commercial District

C-3. Central Business District

M-1. Light Industrial District

M-2. Heavy Industrial District

R-1. Single-Family Residence District

R-2. Single-Family Residence District

R-3. Two-Family Residence District

R-4. Multiple Dwelling District

(1963 Code, § 10-2-1) (Ord. 590, passed 6-26-1958; Am. Ord. 656, passed 6-3-1963)

§ 153.016 ADOPTION OF DISTRICT MAP.

The boundaries of these districts are shown upon the map made a part of this chapter, which map is designated as the "District Map." The District Map and all the notations, references, and other information shown thereon are a part of this chapter and have the same force and effect as if the District Map and all the notations, references, and other information shown thereon were all fully set forth or described herein, which District Map is on file in the office of the City Clerk.

(1963 Code, § 10-2-2) (Ord. 590, passed 6-26-1958)

§ 153.017 DISTRICT BOUNDARIES.

(A) The district boundary lines on the District Map are intended to follow either streets or alleys or lot lines, and where the districts designated on the Map are bounded approximately by such street, alley or lot lines, the street or alley or lot shall be construed

to be the boundary of the district unless such boundary is otherwise indicated on the Map. In the case of unsubdivided property, the district boundary lines shall be determined by the use of the scale appearing on the Zoning District Map or by dimensions.

(B) Where the boundary of a district follows a railroad line, such boundary shall be deemed to be located midway between the main tracks of the railroad line.

(1963 Code, § 10-2-3) (Ord. 590, passed 6-26-1958)

§ 153.018 CLASSIFICATION OF NEW TERRITORY.

All territory which may hereafter be annexed to the city shall retain that zoning classification it possessed immediately prior to its annexation.

(1963 Code, § 10-2-4) (Ord. 590, passed 6-26-1958; Am. Ord. 857A, passed 10-15-1974)

§ 153.019 VACATIONS; EXTENDING DISTRICTS.

Whenever any street, alley, or other public way is vacated by official action of the City Council, the zoning district adjoining each side of the street, alley, or public way shall be automatically extended to the center of the vacation, and all area included in the vacation shall then and henceforth be subject to all appropriate regulations of the extended districts.

(1963 Code, § 10-2-5) (Ord. 590, passed 6-26-1958)

§ 153.020 INCLUSION OF WATER AREAS IN DISTRICTS.

All areas within the corporate limits, which are under water and not shown as included within any district, shall be subject to all of the regulations of the district which immediately adjoins the water area. Where the water area adjoins 2 or more districts, the boundaries of each district shall be construed to extend to the center of the water area.

(1963 Code, § 10-2-6) (Ord. 590, passed 6-26-1958)

§ 153.021 CLASSIFICATION OF LAND SUBSEQUENTLY INCLUDED WITHIN THE MILE AND ONE-HALF EXTRATERRITORIAL DISTRICT AREA.

Any unzoned land lying outside of and contiguous to the zoned boundary 1½ miles distant from the corporate limits of the city shall automatically be zoned AG-1 Agricultural District, when the corporate limits of the city are changed or altered in such a way that the previously contiguous land then lies within such 1½ mile area. Within 3 months after such change of the zoning boundary line, the Planning Commission, after notice as required for amendments to this chapter, shall hold a public hearing as the district or districts in which such land shall be permanently placed. Within 30 days after such hearing, the Planning Commission shall report to the City Council on its recommendations for the classification of the land and the Council shall thereupon act upon such recommendations as in the case of other amendments to this chapter.

(Ord. 656, passed 6-3-1963; Am. Ord. 858A, passed 10-15-1974)

§ 153.022 COMPLIANCE WITH REGULATIONS.

Except as hereinafter specifically provided:

(A) No land shall be used except for a purpose permitted in the district in which it is located.

(B) No building shall be erected, converted, enlarged, reconstructed, moved or structurally altered, nor shall any building be used, except for a use permitted in the district in which such building is located.

(C) No building shall be erected, converted, enlarged, reconstructed or structurally altered to exceed the height limit herein established for the district in which such building is located.

(D) No building shall be erected, converted, enlarged, reconstructed or structurally altered except in conformity with the area regulations of the district in which such building is located.

(E) No building shall be erected or structurally altered to the extent specifically provided hereinafter except in conformity with the off-street parking and loading regulations of the district in which the building is located.

(F) The minimum yards, parking spaces, and open spaces, including lot area per family, required by this chapter for each and every building existing at the time of the adoption of this chapter or for any building hereafter erected, shall not be encroached upon or considered as part of the yard or parking space or open space required for any other building, nor shall any lot area be reduced below the requirements of this chapter for the district in which such lot is located.

(G) Every building hereafter erected or structurally altered shall be located on a lot as herein defined and in no case shall there be more than 1 main building on 1 lot except as specifically provided hereinafter.

(1963 Code, § 10-2-7) (Ord. 590, passed 6-26-1958)

§ 153.023 R-1 SINGLE-FAMILY RESIDENCE DISTRICT.

(A) *Application of section.* The regulations set forth in this section or set forth elsewhere in this chapter when referred to in this section, are the regulations in the R-1 Single-Family Residence District.

(1963 Code, § 10-3-1) (Ord. 590, passed 6-26-1958)

(B) *Use regulations.* A building or premise shall be used only for the following purposes:

(1) One-family dwelling;

(2) Farming and truck gardening; provided, that any structure or enclosure for the shelter of livestock and poultry shall be located not less than 50 feet from any street or lot line;

(3) Publicly owned or operated park, playground or community building, museum, library, or art gallery; provided, that any such building shall be located not less than 25 feet from any side lot line;

(4) Church or other place of worship or Sunday School; provided, that any such building shall be located not less than 20 feet from any side lot line;

(5) Public school, elementary and high, or a private school having a curriculum the same as ordinarily given in a public school; provided, that any such building shall be located not less than 40 feet from any side or rear lot line;

(6) Country club or golf course, except miniature course or practice driving tee operated for commercial purposes;

(7) Home occupations, including beauty parlors when used under the following conditions: Beauty parlors when entirely incidental to residence use, when carried on in the home by a member of the immediate family, residing on the premises, in connection with which there is used no sign, display or other evidence that will indicate from the exterior that the building is being utilized in any part for any purposes other than that of a dwelling; and no person employed other than a member of the immediate family residing on the premises, then shall such beauty parlors be permitted in all residential districts. Commercial beauty parlors shall only be permitted in the C-1 District, as provided by this chapter;

(8) Accessory building or use, including a private garage customarily incident to the foregoing uses, but not involving the conduct of a business;

(9) A church or public bulletin board or temporary sign appertaining to the lease, hire, or sale of a building or premises, which bulletin board shall not exceed 20 square feet in area, nor shall a temporary sign appertaining to the lease, hire, or sale of a building or premises exceed 50 square feet in area. Political campaign signs announcing the candidate seeking public political office and other data pertinent thereto shall not exceed 16 square feet in

area for each premises. These political campaign signs shall be confined within private property and shall be placed on the premises no more than 30 days prior to election day and must be removed from the premises within 7 days after the election day. All political campaign signs, as well as temporary signs appertaining to the lease, hire, or sale of a building or premises, shall be no closer than 8 feet to any side and rear lot line nor be closer to the front lot line than 1/2 the depth of the front yard.

(1963 Code, § 10-3-2) (Ord. 590, passed 6-26-1958; Am. Ord. 615, passed 1-3-1961; Am. Ord. 995, passed 9-3-1980; Am. Ord. 2165, passed 4-6-2009)

(C) *Height and area regulations.* The height and area regulations set forth in §§ 153.045 and 153.046 shall be observed.

(1963 Code, § 10-3-3) (Ord. 590, passed 6-26-1958)

(D) *Parking regulations.* Off-street parking space shall be provided in accordance with the requirements for specific uses set forth in §§ 153.060 through 153.064.

(1963 Code, § 10-3-4) (Ord. 590, passed 6-26-1958)

§ 153.024 AG-1 AGRICULTURAL DISTRICT.

(A) *Name of district.* The regulations set forth in this section or set forth elsewhere in this chapter when referred to in this section are the regulations in the AG-1 Agricultural District.

(B) *Exceptions.* Nothing contained in these regulations shall impose restrictions or require a permit with respect to land used for agricultural purposes, or with respect to the erection, maintenance, repair, alteration, remodeling or extension of buildings or structures used or to be used for agricultural purposes upon such land except that such buildings or structures shall conform to building or set-back lines.

(C) *Use regulations.* A building or premises shall be used only for the following purposes:

(1) Any use permitted in the R-1 Single-Family Residence District;

(2) Unless otherwise provided in this chapter no building or land may be used, and no building may be erected, converted, enlarged or structurally altered, in the AG-1 District, except for 1 or more of the following uses:

(a) Farm, including roadside stand, offering for sale any products grown on the premises. Such stands shall be removed during any season or period when they are not being used;

(b) Nursery and/or greenhouse;

(c) Radio station and/or tower;

(d) Television station and/or tower;

(e) Riding stable, provided the confining or sheltering of applicable animals is not within 200 feet of a lot having an area less than 1 acre and improved with a single-family dwelling;

(f) Grain elevator and the usual accessory structures, including buildings of seasonal or temporary storage of grain;

(g) A junior college, with necessary buildings, parking lots and athletic fields.

(D) *Height and area regulations.*

(1) The height and area regulations set forth in §§ 153.045 and 153.046 shall be observed.

(2) Every lot shall have a width of not less than 60 feet, except a corner lot shall have a width of not less than 75 feet.

(3) These regulations shall not be interpreted to prevent the erection of a single-family dwelling on a platted lot or tract having less area or width than required herein if the platted lot or tract was of public record on date this amendatory ordinance became effective as to such lot or tract.

(E) *Parking regulations.* Off-street parking spaces shall be provided in accordance with the requirements for specific uses set forth in § 153.060. (Ord. 656, passed 6-3-1963; Am. Ord. 783, passed 12-8-1969)

§ 153.025 R-2 SINGLE-FAMILY RESIDENCE DISTRICT.

(A) *Application of section.* The regulations set forth in this section or set forth elsewhere in this chapter, when referred to in this section, are the regulations in the R-2 Single-Family Residence District.
(1963 Code, § 10-4-1)

(B) *Use regulations.* The use regulations are the same as those in the R-1 Single-Family Residence District.
(1963 Code, § 10-4-2)

(C) *Height and area regulations.* The height and area regulations set forth in §§ 153.045 and 153.046 shall be observed.
(1963 Code, § 10-4-3)

(D) *Parking regulations.* Off-street parking spaces shall be provided in accordance with the requirements for specific uses set forth in §§ 153.060 through 153.064.
(1963 Code, § 10-4-4) (Ord. 590, passed 6-26-1958)

§ 153.026 R-3 TWO-FAMILY RESIDENCE DISTRICT.

(A) *Application of section.* The regulations set forth in this section or set forth elsewhere in this chapter, when referred to in this section, are the regulations in the R-3 Two-Family Residence District.
(1963 Code, § 10-5-1)

(B) *Use regulations.* A building or premise shall be used only for the following purposes:

(1) Any use permitted in the R-1 Single-Family Residence District;

(2) Two-family dwelling.
(1963 Code, § 10-5-2)

(C) *Height and area regulations.* The height and area regulations set forth in §§ 153.045 and 153.046 shall be observed.
(1963 Code, § 10-5-3)

(D) *Parking regulations.* Off-street parking spaces shall be provided in accordance with the requirements for specific uses set forth in §§ 153.060 through 153.064.
(1963 Code, § 10-5-4) (Ord. 590, passed 6-26-1958)

§ 153.027 R-4 MULTIPLE DWELLING DISTRICT.

(A) *Application of section.* The regulations set forth in this section or set forth elsewhere in this chapter, when referred in this section, are the regulations in the R-4 Multiple Dwelling District.
(1963 Code, § 10-6-1)

(B) *Use regulations.* A building or premises shall be used only for the following purposes:

(1) Any use permitted in the R-3 Two-Family Residence District;

(2) Multiple dwelling;

(3) Rooming or boarding house;

(4) Institution of a religious, educational, eleemosynary, or philanthropic nature, but not a penal or mental institution;

(5) Hospital or sanitarium, except a criminal, mental or animal hospital;

(6) Nursing or convalescent home;

(7) Private club, fraternity, sorority or lodge, excepting one the chief activity of which is a service customarily carried on as a business;

(8) Tourist home, when located on an officially designated federal highway;

(9) Accessory building or use customarily incidental to any of the foregoing uses, including a storage garage on a lot occupied by a multiple dwelling, hospital or institution.
(1963 Code, § 10-6-2)

(C) *Height and area regulations.* The height and area requirements set forth in §§ 153.045 and 153.046 shall be observed.
(1963 Code, § 10-6-3)

(D) *Parking regulations.* Off-street parking spaces shall be provided in accordance with the requirements for specific uses set forth in §§ 153.060 through 153.064.
(1963 Code, § 10-6-4) (Ord. 590, passed 6-26-1958)

§ 153.028 C-1 NEIGHBORHOOD SHOPPING DISTRICT.

(A) *Application of section.* The regulations set forth in this section or set forth elsewhere in this chapter, when referred to in this section, are the regulations in the C-1 Neighborhood Shopping District.
(1963 Code, § 10-7-1)

(B) *Use regulations.* A building or premise shall be used only for the following purposes:

(1) Any use permitted in the R-4 Multiple Dwelling District;

(2) Advertising sign pertaining only to a use conducted within the building, and any sign or display in excess of 35 square feet in area shall be attached flat against a wall of the building or within 18 inches thereof, and in no case shall any sign or display project above the roof line;

(3) Automobile parking lot;

(4) Bank;

(5) Display room for merchandise to be sold at wholesale where merchandise sold is stored elsewhere;

(6) Clinic;

(7) Dressmaking, tailoring, shoe repairing, repair of household appliances and bicycles, catering, dry cleaning and pressing, bakery with sale of bakery products on the premises and other uses of a similar character provided that no use permitted in this division shall employ more than 5 persons in a single shift on the premises, not including employees whose principal duties are off the premises or temporary seasonal employees;

(8) Filling stations;

(9) Offices and office buildings;

(10) Personal service uses including barber shops, banks, beauty parlors, photographic or artist studios, messengers, taxicabs, newspaper or telegraphic service stations, dry cleaning receiving stations, restaurants, and other personal service uses of a similar character;

(11) Private school;

(12) Retail store; provided, that in connection with such store, there shall be no slaughtering of animals or poultry on the premises;

(13) Laundromat;

(14) Florist shop or greenhouse;

(15) Accessory buildings and uses.
(1963 Code, § 10-7-2)

(C) *Height and area regulations.* The height and area regulations set forth in §§ 153.045 and 153.046 shall be observed, and in addition every building or

portion thereof used for dwelling purposes shall comply with the side and rear yard and lot area per family requirements of the R-3 Two-Family Residence District.

(1963 Code, § 10-7-3)

(D) *Parking and loading regulations.* Off-street parking and loading spaces shall be provided in accordance with the requirements for specific uses set forth in §§ 153.060 through 153.064.

(1963 Code, § 10-7-4) (Ord. 590, passed 6-26-1958)

§ 153.029 C-2 COMMERCIAL DISTRICT.

(A) *Application of section.* The regulations set forth in this section or set forth elsewhere in this chapter when referred to in this section, are the regulations in the C-2 Commercial District.

(1963 Code, § 10-8-1)

(B) *Use regulations.* A building or premise shall be used only for the following purposes:

(1) Any use permitted in the C-1 Neighborhood Shopping District;

(2) Advertising sign;

(3) Billboard;

(4) Automobile or trailer display and sales rooms;

(5) Bowling alley;

(6) Business or commercial school;

(7) Drive-in restaurant;

(8) Dancing or music academy;

(9) Farm implement display and sales room;

(10) Hotel;

(11) Milk distributing station;

(12) Motor court or motel;

(13) Parking or public garage;

(14) Radio or television broadcasting station or studio;

(15) Theater;

(16) Tourist home;

(17) Undertaking establishment;

(18) Veterinarian or animal hospital or riding academy;

(19) Used car sales or storage lot;

(20) When not employing more than 10 persons on the premises:

(a) Dyeing and cleaning establishment or laundry;

(b) Painting, plumbing, or tinsmithing shop;

(c) Printing shop;

(d) Tire sales and service, including vulcanizing;

(e) Upholstering shop, not involving furniture manufacturing;

(f) Any other general service or repair establishment of similar character.
(1963 Code, § 10-8-2)

(C) *Height and area regulations.* The height and area regulations set forth in §§ 153.045 and 153.046 shall be observed, and in addition every building or portion thereof used for dwelling purposes shall comply with the side and rear yard and lot area per family requirements of the R-4 Multiple Dwelling District.

(1963 Code, § 10-8-3)

(D) *Parking and loading regulations.* Off-street parking and loading spaces shall be provided in accordance with the requirements for specific uses set forth in §§ 153.060 through 153.064.

(1963 Code, § 10-8-4) (Ord. 590, passed 6-26-1958)

§ 153.030 C-3 CENTRAL BUSINESS DISTRICT.

(A) *Application of section.* The regulations set forth in this section or set forth elsewhere in this chapter, when referred to in this section, are the regulations in the C-3 Central Business District. (1963 Code, § 10-9-1)

(B) *Use regulations.* A building or premise shall be used only for the following purposes:

(1) Any use permitted in the C-2 Commercial District and without restriction as to the number of employees on the premises;

(2) Frozen food locker;

(3) Laboratory; experimental, film, or testing;

(4) Truck or transfer terminal or freight house or bus garage and repair shop;

(5) Wholesale or distributing establishment, or warehouse or wholesale market;

(6) Printing, publishing, or engraving;

(7) Service industry such as a laundry, cleaning or dyeing establishment, or similar use;

(8) The manufacture, compounding, processing, packaging, or treatment of such goods, materials and products as the following:

(a) Bakery goods, candy, cosmetics, pharmaceutical, toiletries, and food products except fish and meat products, sauerkraut, vinegar, yeast and the rendering of fats and oils; provided, the foregoing exceptions shall not apply to such operations ordinarily carried out in a frozen food locker;

(b) Articles made from previously prepared materials such as bone, canvas, cellophane, cloth, cork, feathers, felt, fiber, fur, glass, hair, horn, leather, paper, plastics, precious or semiprecious metals or stone, shell, textiles, wax, wire, yarns, and the like;

(c) Musical instruments, toys, novelties, rubber or metal stamps, and other small molded rubber products;

(d) Fabrication and repair of electric or neon signs or other commercial advertising structures, light sheet metal products, and the like;

(9) Any other use of similar character which is not objectionable by reason of the emission of odor, dust, smoke, gas, fumes, noise or vibration or which is not specifically prohibited or regulated in § 153.032.

(1963 Code, § 10-9-2)

(C) *Height and area regulations.* The height and area regulations set forth in §§ 153.045 and 153.046 shall be observed, and in addition every building or portion thereof used for dwelling purposes shall comply with the side and rear yard requirements of the “R-4” Multiple Dwelling District.

(1963 Code, § 10-9-3)

(D) *Parking and loading regulations.* Off-street loading spaces shall be provided in accordance with the requirements of §§ 153.060 through 153.064.

(1963 Code, § 10-9-4) (Ord. 590, passed 6-26-1958)

§ 153.031 M-1 LIGHT INDUSTRIAL DISTRICT.

(A) *Application of section.* The regulations set forth in this section or set forth elsewhere in this chapter, when referred to in this section, are the regulations in the M-1 Light Industrial District.

(1963 Code, § 10-10-1)

(B) *Use regulations.* A building or premises shall be used only for the following purposes:

(1) Any use permitted in the C-3 Central Business District;

(2) Bottling works;

(3) Carting, expressing, hauling, or storage yard;

(4) Contractor's yard;

(5) Coal, coke, or wood yard;

(6) Auto wrecking yards and junk yards, but only when the premises upon which such activities are conducted are wholly enclosed within a building or by a wooden fence not less than 8 feet in height and in which the openings or cracks are less than 15% of the total area;

(7) Assembly and manufacture from prefabricated parts of household appliances, electronic products, and similar products or the processing or assembling of parts for production of finished equipment;

(8) Petroleum storage, but only after the location and treatment of the premises have been approved by the Chief of the Fire Department;

(9) Drive-in theaters;

(10) Sporting and athletic equipment manufacture;

(11) Industrial and manufacturing plants where the process of manufacturing or the treatment of materials is such that only a nominal amount of dust, odor, gas, smoke, or noise is emitted and not more than 10% of the lot or tract is used for the open storage of products, materials, or equipment;

(12) Air separation plants and associated storage facilities;

(13) A body piercing and/or tattoo establishment and/or business subject to and provided that regarding the subject premises, there shall have been granted and allowed a special use permit

regarding the use and operation of a body piercing and/or tattoo business on the premises.

(1963 Code, § 10-10-2) (Ord. 590, passed 6-26-1958; Am. Ord. 856A, passed 10-15-1974)

(C) *Height and area regulations.* The height and area regulations set forth in §§ 153.045 and 153.046 shall be observed, and in addition any building that may be used for dwelling purposes shall comply with the side and rear yard and lot area per family regulations of the R-4 Multiple Dwelling District. (1963 Code, § 10-10-3)

(D) *Parking and loading regulations.* Off-street parking and loading spaces shall be provided in accordance with the requirements for specific uses set forth in §§ 153.060 through 153.064.

(1963 Code, § 10-10-4) (Am. Ord. 2234, passed 6-14-2010)

§ 153.032 M-2 HEAVY INDUSTRIAL DISTRICT.

(A) *Application of section.* The regulations set forth in this section, or set forth elsewhere in this chapter, when referred to in this section, are the regulations in the M-2 Heavy Industrial District.

(1963 Code, § 10-11-1)

(B) *Use regulations.* Any building or premises may be used for any purpose not in conflict with any provision of this code regulating nuisances; provided, however, that no building shall be erected, reconstructed, or structurally altered for residential purposes, except for resident watchmen and caretakers employed on the premises; and provided further, that no building or occupancy permit shall be issued for any of the following uses until and unless the location of such use shall have been approved by the City Council after report by the Department of Public Works and the Chief of the Fire Department:

(1) Acid manufacture;

(2) Cement, lime, gypsum, or plaster of paris manufacture;

(3) Distillation of bones and glue manufacture;

(4) Explosives manufacture or storage;

(5) Fat rendering and fertilizer manufacture;

(6) Garbage, offal, or dead animal reduction or dumping;

(7) Refining of petroleum or its products;

(8) Smelting of tin, copper, zinc, or iron ores;

(9) Stockyards or slaughter of animals;

(10) A body piercing and/or tattoo establishment and/or business subject to and provided that regarding the subject premises, there shall have been granted and allowed a special use permit regarding the use and operation of a body piercing and/or tattoo business on the premises.
(1963 Code, § 10-11-2)

(C) *Height and area regulations.* The height and area regulations set forth in §§ 153.045 and 153.046 shall be observed.
(1963 Code, § 10-11-3)

(D) *Parking and loading regulations.* Off-street parking and loading spaces shall be provided in accordance with the requirements for specific uses set forth in §§ 153.060 through 153.064.
(1963 Code, § 10-11-4) (Ord. 590, passed 6-26-1958; Am. Ord. 2234, passed 6-14-2010)

HEIGHT AND AREA REQUIREMENTS

§ 153.045 TABLE OF HEIGHT AND AREA REQUIREMENTS ADOPTED.

The required height and area regulations are established and shown on the accompanying table which is as follows:

(Table on Following Page)

(1963 Code, § 10

(1) A building may be erected to a height of 6 stories and 75 feet back from all required yard lines a distance of 1 foot for each foot of additional height above 45 feet.

(2) For buildings of less than 3 stories in height. For 3 story buildings side yards of 8 feet each shall be required.

(3) No side yard required except on the side of a lot adjoining a Residence District, in which case a side yard of not less than 5 feet shall be provided in any C District and of not less than 10 feet in any M District.

(4) No rear yard required except on the rear of a lot adjoining a Residence District, in which case a rear yard of not less than 25 feet shall be provided.

(5) Whenever a building in an M District adjoins or abuts an R District, within 100 feet therefrom, such building shall not exceed 3 stories or 45 feet in height unless it is set back 1 foot from the required side and rear yard lines for each foot of additional height above 45 feet.

(6) Religious and educational institution buildings in R-4 Multiple Family Districts shall have no minimum depth requirements higher for front yards or rear yards.

(7) Religious and educational institution buildings in R-3 Two-Family Residence shall have no minimum depth requirements either for front yards, side yards, or rear yards.

(8) All corner lots shall have minimum lot width of not less than 75 feet.

(9) Minimum front and rear yard depths in R-1 and R-2 shall be 25 feet.

(10) Exception: 3-foot sideyard set back if lot is 50 feet wide or less.

(1963 Code, § 10-12-1) (Ord. 590, passed 6-26-1958; Ord. 596, passed - -; Am. Ord. 601, passed 4-18-1960; Am. Ord. 656, passed 6-3-1963; Am. Ord. 760, passed 8-5-1968; Am. Ord. 977, passed - --)

§ 153.046 HEIGHT AND AREA EXCEPTIONS AND MODIFICATIONS.

(A) Height.

(1) The height regulations prescribed herein shall not apply to television and radio towers, church spires, belfries, monuments, tanks, water and fire towers, stage towers or scenery lofts, cooling towers, ornamental towers and spires, chimneys, elevator bulkheads, smokestacks, conveyors, and flagpoles.

(2) Public or semipublic service buildings, hospitals, institutions, or schools, where permitted, may be erected to a height not exceeding 60 feet, and churches and temples may be erected to a height not exceeding 75 feet when the required side and rear yards are each increased by 1 foot for each foot of additional building height above the height regulations for the district in which the building is located.

(3) The limitation on number of stories shall not apply to buildings used exclusively for storage purposes provided such buildings do not exceed the height in feet permitted in the district in which they are located.

(1963 Code, § 10-13-1)

(B) Front yards.

(1) When 40% or more of the frontage on 1 side of the street between 2 intersecting streets is improved with buildings that have a front yard in the district, no building shall project beyond the average front yard so established.

(2) On lots having double frontage the required front yard shall be provided on both streets.

(3) In a residential district no fence, structure, or planting higher than 3½ feet above the established street grades shall be established within 20 feet of any street intersection.

(4) An open, uncovered porch or paved terrace may project into a required front yard for a distance of not more than 10 feet. An enclosed vestibule or fixed canopy with a floor area of not more than 40 square feet may project into a required front yard for a distance not to exceed 4 feet.

(5) Filling station pumps and pump islands may be located within a required yard provided they are not less than 15 feet from any street line and not less than 50 feet from the boundary of any R District.

(6) Off-street parking facilities may be located within the required front yard of any C or M District but shall not be nearer than 50 feet to any R District and no off-street parking shall be permitted in the required front yard of any R District.
(1963 Code, § 10-13-2)

(C) Side yards.

(1) On a corner lot the width of the yard along the side street shall not be less than any required front yard on such street; provided, however, that the buildable width of a lot of record shall not be reduced to less than 32 feet.

(2) No accessory building shall project beyond a required yard line along any street.

(3) Where dwelling units are erected above a commercial establishment no side yard is required except when required for the commercial building on the side of a lot adjoining a residence district.

(4) A porte-cochere or canopy may project into a required side yard provided every part of such porte-cochere or canopy is unenclosed and not less than 5 feet from any side lot line.

(5) For the purpose of side yard regulations, a 2-family dwelling or multiple dwelling shall be considered as 1 building occupying 1 lot.

(6) Where a lot of record at the time of the effective date of this chapter is less than 40 feet in width, the required side yard may be reduced to 10% of the width of the lot; provided, however, that no side yard shall be less than 3 feet.

(7) One directional or name sign or sign advertising product sold on the premises may occupy required yards in a district where such sign is permitted by the use regulation of this chapter; provided, such sign is not more than 35 square feet in area and in the C-1 Commercial District does not contain flashing, intermittent, or moving illumination.

(8) Where an existing lot of record has the frontage of 50 feet or less the minimum width of either side yard in feet shall be 3 feet.
(1963 Code, § 10-13-3) (Am. Ord. 977, passed 11-13-1979)

(D) Rear yards.

(1) Where a lot abuts upon an alley, 1/2 of the alley width may be considered as part of the required rear yard.

(2) An accessory building not exceeding 20 feet in height may occupy not to exceed 30% and unenclosed parking spaces may occupy not to exceed 90% of the area of a required rear yard but no accessory building shall be closer than 10 feet to the main building nor closer than 3 feet to any rear lot line.

(3) The ordinary projections of sills, belt courses, cornices, and ornamental features may extend to a distance not to exceed 18 inches into a required yard.

(4) Open or lattice enclosed fire escapes, outside stairways and balconies opening upon fire towers, and the ordinary projections of chimneys and flues into a rear yard may be permitted by the

Building Inspector for a distance not to exceed 5 feet when these are so placed as not to obstruct light and ventilation.

(1963 Code, § 10-13-4)

(E) *Lot area per family.* Where a lot of record at the time of the effective date of this chapter has less area or width than herein required in the district in which it is located, and the owner of such lot does not own any other parcel or tract adjacent thereto, said lot may nonetheless be used for a 1-family dwelling or for any nondwelling use permitted in the district in which it is located.

(1963 Code, § 10-13-5) (Ord. 590, passed 6-26-1958)

OFF-STREET PARKING AND LOADING REQUIREMENTS

§ 153.060 OFF-STREET PARKING FACILITIES REQUIRED.

In all districts there shall be provided at the time any building or structure is erected or structurally altered (except as specified in division (B) of this section), off-street parking spaces in accordance with the following requirements; provided, however, that no off-street parking need be provided for any of these uses when they are located in the C-3 Central Business District.

(A) Dwellings, including single and 2-family and multiple; 1 parking space for each dwelling unit.

(B) Rooming, lodging, or boarding houses; 1 parking space for each 2 sleeping rooms.

(C) Fraternity or sorority; 1 parking space for each 6 beds.

(D) Private club or lodge; 1 parking space for every 10 members.

(E) Church or temple; 1 parking space for each 8 seats in the main auditorium.

(F) School (except high school or college); 1 parking space for each 10 seats in the auditorium or main assembly room, or 1 space for each classroom, whichever is greater.

(G) College or high school; 1 parking space for each 8 seats in the main auditorium or 3 spaces for each classroom, whichever is greater.

(H) Country club or golf club; 1 parking space for each 5 members.

(I) Community center, library, museum, or art gallery; 10 parking spaces plus 1 additional space for each 300 square feet of floor area in excess of 2000 square feet.

(J) Hospitals; 1 parking space for each 4 beds.

(K) Sanatorium, convalescent home, home for the aged, or similar institution; 1 parking space for each 6 beds.

(L) Theater or auditorium (except school); 1 parking space for each 5 seats or bench seating spaces.

(M) Sports arena, stadium, or gymnasium; 1 parking space for each 5 seats or seating spaces.

(N) Hotels; 1 parking space for each 3 sleeping rooms or suites plus 1 space for each 200 square feet of commercial floor area contained therein.

(O) Tourist home, cabin, or motel; 1 parking space for each sleeping room or suite.

(P) Dance hall, assembly or exhibition hall without fixed seats; 1 parking space for each 100 square feet of floor area used therefor.

(Q) Business or professional office, studio, bank, medical or dental clinic; 3 parking spaces plus 1 additional parking space for each 400 square feet of floor area over 1000 square feet.

(R) Bowling alley; 5 parking spaces for each alley.

(S) Mortuary or funeral home; 1 parking space for each 50 square feet of floor space in slumber rooms, parlors, or individual funeral service rooms.

(T) Restaurant, night club, café, or similar recreation or amusement establishment; 1 parking space for each 100 square feet of floor area.

(U) Retail store or personal service establishment; except as otherwise specified herein, 1 parking space for each 200 square feet of floor area.

(V) Furniture or appliance store, hardware store, wholesale establishment, machinery or equipment sales and service, clothing or shoe repair, or service shop; 2 parking spaces plus 1 additional parking space for each 300 square feet of floor area over 1000 square feet.

(W) Printing or plumbing shop or similar service establishment; 1 parking space for each 3 persons employed therein.

(X) Manufacturing or industrial establishment, research or testing laboratory, creamery, bottling plant, warehouse, or similar establishment; 1 parking space for each 2 employees on the maximum working shift plus space to accommodate all trucks and other vehicles used in connection therewith.
(1963 Code, § 10-14-1) (Ord. 590, passed 6-26-1958)

§ 153.061 RULES FOR COMPUTING PARKING SPACES.

In computing the number of parking spaces required, the following rules shall govern:

(A) **FLOOR AREA** shall mean the gross floor area of a specific use.

(B) Where fractional spaces result, the parking spaces required shall be construed to be the nearest whole number.

(C) The parking space requirement for a use not specifically mentioned herein shall be the same as required for a use of similar nature.

(D) Whenever a building or use constructed or established after the effective date of this chapter is changed or enlarged in floor area, number of employees, number of dwelling units, seating capacity, or otherwise to create a need for an increase of 10% or more in the number of existing parking spaces, such spaces shall be provided on the basis of the enlargement or change. Whenever a building or use existing prior to the effective date of this chapter is enlarged to the extent of 50% or more in floor area or in the area used, said building or use shall then and thereafter comply with the parking requirements set forth herein.

(E) In the case of mixed uses, the parking spaces required shall equal the sum of the requirements of the various uses computed separately.
(1963 Code, § 10-14-3) (Ord. 590, passed 6-26-1958)

§ 153.062 LOCATION OF PARKING SPACES.

(A) All parking spaces required herein shall be located on the same lot with the building or use served, except that where an increase in the number of spaces is required by a change or enlargement of use or where such spaces are provided collectively or used jointly by 2 or more buildings or establishments, the required spaces may be located not to exceed 300 feet from an institutional building served and not to exceed 500 feet from any other nonresidential building served.

(B) Not more than 50% of the parking spaces required for theaters, bowling alleys, dance halls, night clubs, or cafes, and up to 100% of the parking spaces required for a church or school auditorium may be provided and used jointly by banks, offices, retail stores, repair shops, service establishments, and similar uses not normally open, used, or operated during the same hours; provided, however, that written agreement thereto is properly executed and filed as specified herein.

(C) In any case where the required parking spaces are not located on the same lot with the building or use served, or where such spaces are collectively or jointly provided and used, a written agreement to assure their retention for such purposes shall be properly drawn and executed by the parties concerned, approved as to form and executed by the Corporation Counsel and shall be filed with the application for a building permit.

(1963 Code, § 10-14-3) (Ord. 590, passed 6-26-1958)

§ 153.063 LOADING SPACE REQUIREMENTS.

Every building or part thereof erected or occupied for retail business, service, manufacturing, storage, warehousing, hotel, mortuary, or any other use similarly involving the receipt or distribution by vehicles of materials or merchandise, shall provide and maintain on the same premises loading space in accordance with the following requirements:

(A) In the C-1 and C-2 Shopping and Commercial Districts and in the M-1 and M-2 Industrial Districts; 1 loading space for each 10,000 square feet or fraction thereof, of floor area in the building.

(B) In the C-3 Central Business District; 1 loading space for the first 5000 square feet to 15,000 square feet of floor area in the building and 1 additional loading space for each 15,000 square feet or fraction thereof of floor area in excess of 15,000 square feet.

(1963 Code, § 10-14-4) (Ord. 590, passed 6-26-1958)

§ 153.064 PARKING/STORAGE OF VEHICLES IN RESIDENTIAL AND COMMERCIAL DISTRICTS.

The parking or storage of certain vehicles in residential and commercial districts. The vehicles shall be subject to the following regulations when parked or stored in residential and commercial districts.

(A) *Yard use.*

(1) Parking and delivery between the front line of any portion of the building and street shall be limited to private passenger vehicles, and in residential districts, only 1 of the following: pickup coaches, when mounted on a pickup truck or truck chassis, pickup truck or van; all of which shall be on a paved surface with driveway access. Further within a commercial district, the same shall be limited to commercial vehicles of the type specifically related to the business use being conducted on the commercial premises and further provided that semi-trucks, semi-trailers, and trailers on said premises shall not be kept and stored on such premises for storage purposes.

(2) In residential districts, on corner lots, parking between the street and building shall be limited to private passenger vehicles and only 1 of the following: pickup coaches when mounted on a pickup truck or truck chassis, pickup truck or van; all of which shall be on a paved surface with driveway access.

(3) In residential districts in the interior side and interior rear yards, the parking of private passenger vehicles and pickup trucks shall be allowed when on a paved surface. In addition, only 1 of the following shall be allowed:

(a) Recreational vehicles, including motorized homes;

(b) Pickup coach;

(c) Boat trailer, with or without a boat or raft mounted on it, or unmounted boat or raft;

(d) Commercial vehicles, except semi-tractors or semi-trailers when owned or used by the occupant;

(e) Commercial vehicles not exceeding 20 feet in length and further excepting semi-tractors or semi-trailers, and all provided that the same are owned or used by the occupant.

(B) *Vehicles to be in enclosed garages.* Additionally, in all districts, the parking of the following vehicles shall also be allowed in totally enclosed garages provided that the garages either exist as of the date of this section or if prospectively constructed consistent with the type of garage as allowed in the respective district that the garage exists:

(1) Any motor vehicle owned by the occupant;

(2) Recreational vehicles;

(3) Boats and rafts;

(4) Trailers; or

(5) Commercial vehicles when owned or used by the occupant.

(C) *Use for human habitation prohibited.* A recreational vehicle or motorized home shall not be used for the purposes of human habitation while parked or stored on any residential or commercial premises.

(D) *Use for storage.* A recreational vehicle, pickup coach or boat shall not be utilized for the storage of goods, materials or equipment other than those items considered to be part of the inventory essential for its immediate use.

(E) *Not to block or obstruct.* No vehicle or trailer shall be parked or stored as to block any public right-of-way or to be a visual obstruction to traffic.

(F) *Definition.* Additionally, for purposes of this section, and the construction thereof, a **PAVED SURFACE** shall mean a surface improved with a durable and maintained surface and graded and

drained as to dispose of all surface water.

(G) *Making deliveries and/or rendering services.* The provisions of this section shall not be construed to prohibit trucks and other service vehicles from being parked on the premises temporarily for purposes of making deliveries and/or rendering services to the property owner or tenant.
(Ord. 1862, passed 10-11-2004)

SPECIAL USE REGULATIONS

§ 153.075 SPECIAL USES DESIGNATED.

(A) The Council by an affirmative vote may by resolution grant a special permit for the following special uses in any district, except as herein qualified, for which they are otherwise prohibited by this chapter, and may impose appropriate conditions and safeguards, including a specified period of time for the permit, to protect the Comprehensive Plan and to conserve and protect property and property values in the neighborhood:

(1) Airport, landing field, or landing strip for aircraft.

(2) Amusement park, but not within 300 feet of any R District.

(3) Cemetery or mausoleum.

(4) Circus or carnival grounds, but not within 300 feet of any R District.

(5) Commercial, recreational, or amusement development for temporary or seasonal periods.

(6) Hospital, clinic, or institution; provided, that any hospital or institution permitted in any R District shall be located on a site of not less than 5 acres, shall not occupy more than 10% of the total lot area and shall be set back from all yard lines at least 2 feet for each foot of building height.

(7) Privately operated community building or recreation field.

(8) Any public or government building.

(9) Radio or television broadcasting tower or station.

(10) Drive-in theater in the C-2 Commercial District.

(11) Tourist or trailer camp in the C-2 Commercial District or the M-1 Light Industrial District and its extension into an abutting residential district; provided, such tourist or trailer camp shall comply with the following and such additional requirements as may be deemed necessary for proper development and the protection of the surrounding area:

(a) All appropriate state and county sanitation regulations shall be strictly observed.

(b) At least 1500 square feet of lot area per trailer shall be provided; no trailer shall be parked closer to the street or highway than the required front yard setback or closer than 20 feet to any property line; and a clearance of not less than 15 feet shall be maintained between trailer coaches on all sides.

(c) Trailer coach spaces shall abut upon a hard surfaced driveway or accessway of not less than 25 feet in width.

(d) Service building or other facilities for bathing, laundry, and sanitation, as required by the state and local health regulations, shall be located at least 20 feet from the side and rear lot lines and shall be accessible to all trailer coaches by means of the access drives or hard surfaced walks.

(e) Wherever practicable, space shall be reserved for recreation and a playground.

(12) The ownership and/or operation of a body piercing and/or tattoo establishment concerning which a special use permit shall only be appropriate for consideration in zoning under districts classified as

either “M-1 Light Industrial” and/or “M-2 Heavy Industrial” as provided within this chapter.

(B) Before authorization of any of the foregoing special uses, the request therefor shall be referred to the Plan Commission for study and report concerning the effect of the proposed use on the Comprehensive Plan and on the character and development of the neighborhood and a public hearing shall be held in relation thereto before the Plan Commission, notice and publication of the time and place for which shall conform to the procedure prescribed in § 153.127 for hearings on amendments. If no report is transmitted by the Plan Commission within 60 days of notification, the City Council may take action without further awaiting such report.

(C) Any proposed special use shall otherwise comply with all the regulations set forth in this chapter for the district in which such use is located, except that the Council may permit hospitals and institutions to exceed the height limitations of the district. (1963 Code, § 10-15-1) (Ord. 590, passed 6-26-1958; Am. Ord. 2234, passed 6-14-2010)

§ 153.076 TEMPORARY BUILDINGS.

Temporary buildings used in conjunction with construction work only may be permitted in any district during the period that the construction work is in progress, but such temporary buildings shall be removed upon completion of the construction work. (1963 Code, § 10-15-2) (Ord. 590, passed 6-26-1958)

§ 153.077 RAILROADS AND UTILITIES.

Existing railroads and utilities may continue to be operated and maintained in dwelling and commercial districts, but no new railroad or utility structure other than the usual poles, wires, and underground utilities shall be established in such districts except when so authorized by City Council after report by the Board of Appeals. (1963 Code, § 10-15-3) (Ord. 590, passed 6-26-1958)

§ 153.078 RESIDENCE DEVELOPMENT PLAN.

An authorized agency of the municipal, county, state, or federal government or the owner or owners of any tract or land comprising an area of not less than 10 acres, or an area bounded on all sides by municipal streets or streets and alleys, may submit to the City Council a plan for the use and redevelopment of all of the tract of land for any lawful purpose. The development plan shall be referred to the City Plan Commission for study and report and for public hearing. Notice and publication of such public hearings shall conform to the procedures prescribed in § 153.127 for hearings on changes and amendments. If the Commission approves the plans, these shall then be submitted to the City Council for consideration and action. The approval and recommendations of the Commission shall be accompanied by a report stating the reasons for approval of the application and specific evidence and facts showing that the proposed plan meets the following conditions:

(A) The property adjacent to the area included in the plan will not be adversely affected, and to this end the Council may require, in the absence of an appropriate physical barrier, that uses of least intensity or a buffer of open space or screening be arranged along the borders of the project;

(B) The plan is consistent with the intent and purposes of this chapter to promote public health, safety, morals, and general welfare;

(C) The plan shall specify the use to which the property and each subdivision thereof or lot therein may be put, and if the said plan is approved no subsequent use other than that specified in the plan may be substituted for the use so specified and any later substituted use shall be considered a violation of the provisions of this chapter governing land use and be subject to the provisions of and penalties provided in § 153.122;

(D) The average lot area per family contained in the site, exclusive of the area occupied by streets, will not be less than the lot area per family required in the district in which the development is located; provided,

however, that if any such development plan shall be designed or intended for multiple family dwelling use, involving more than 50 dwelling units, the requirements of this chapter with respect to lot area per family may be waived, and the plan approved without respect to lot area per family.

(E) Approval of the plan submitted under this section shall constitute approval of any plat submitted therewith and any such plat shall be entitled to be recorded and lots sold therefrom in the same manner as if the plat had been approved under the Land Subdivision Ordinance of the City of LaSalle, No. A-590 provided, however, that insofar as said Land Subdivision Ordinance No. A-590 is applicable, then in all respects said Land Subdivision Ordinance No. A-590 shall apply;

(F) If the City Council approves the plans, building permits and certificates of occupancy may be issued even though the use of land and the location and height of buildings to be erected in the area and the yards and open space contemplated by the plan do not conform in all respects to the district regulations of the district in which it is located.

(1963 Code, § 10-15-4) (Ord. 590, passed 6-26-1958; Am. Ord. 765, passed 10-28-1968; Am. Ord. 787, passed 5-1-1970)

§ 153.079 ADULT USES.

(A) *Adult uses enumerated.* The following shall be considered adult uses for the purpose of this section:

- (1) Adult book stores;
- (2) Adult motion picture theater;
- (3) Adult mini motion picture theater;
- (4) Adult entertainment cabaret;
- (5) Massage establishment;
- (6) Body shop or model studio.

(B) *Limitations on adult uses.* Adult uses shall be permitted under the zoning ordinance provided that a special use permit has been granted with reference to the same pursuant to the Special Uses Section of this Zoning Ordinance, (namely §§ 153.075 through 153.080 hereof) with it specifically being provided that adult uses are specifically added as an additional special use within this chapter and with it further being provided that with respect to adult uses, the same shall additionally be subject to the following restrictions:

(1) An adult use shall not be allowed within 1000 feet of another existing adult use.

(2) An adult use shall not be located within 1000 feet of any zoning district which is zoned for single-family residence district (R-1), Single-Family Residence District (R-2), Two-Family Residence District (R-3), or Multiple Dwelling District (R-4).

(3) An adult use shall not be located within 1000 feet of a preexisting school, day care center, cemetery, public park, public housing, or place of worship.

(4) An adult use shall not be located in a building structure which contains another business that sells or dispenses in some manner alcoholic beverages.

(5) Adult uses shall also be entitled to and subject to the provisions set forth within the Zoning Ordinance of the City of LaSalle with reference to prior non-conforming uses, existing and in business, as of the time of passage of this chapter.

(C) *Measurement of distances.* For the purpose of this chapter, measurements shall be made in a straight line, without regard to intervening structures or object, from the property line of the adult use to the nearest property line of another adult use, school, day care center, cemetery, public park, public housing, or place of worship, or district zoned for residential use. (Ord. 1633, passed 3-23-1998)

§ 153.080 RESIDENTIAL USE OF PREMISES ON FIRST FLOOR IN DOWNTOWN BUSINESS DISTRICT.

(A) *Purpose; recitals.*

(1) Pursuant to this zoning code, including § 153.127, the City Council of the city of LaSalle did move and referred pursuant to motion to the Planning Commission for consideration of the amendment to the zoning ordinance to restrict the portion of the downtown business district from being used as residential property (R-1 through R-4 inclusive as defined within this chapter) with the portion of the Downtown Business District referred for consideration of the amendment being defined as the first floor of the following:

(a) All of First Street between the West side of Bucklin to and including the East side of Crosat Street;

(b) All of Second Street from and including the West side of Bucklin to and including the East side of Tonti Street;

(c) All of the South side of Third Street from and including the West side of Bucklin Street to the East side of Joliet Street;

(d) That part of Bucklin, Wright, Gooding, Marquette and Joliet Streets between First and Third Street;

all of which area of said downtown business district may be henceforth referred to within this chapter collectively as the Residential Use Exclusion Portion of the Downtown Business District.

(2) The zoning change and restriction from residential use of the First Floor of said Residential Use Exclusion Portion of the Downtown Business District is in the best interest of the City of LaSalle.

(3) The making of such change in the chapter is in the public good and may be granted without substantial detriment to the public good and

without substantially impairing the purpose and intent of the comprehensive plan of the City of LaSalle and/or the Zoning Ordinance of the City of LaSalle.

(4) It is understood that the proposed amendment to the Zoning Ordinance as referred to above regarding said proposed residential use excluded portion of the downtown business district would still be subject to §§ 153.095 through 153.097 of the Zoning Ordinance regarding preexisting non-conforming uses.

(5) A public hearing was held on September 10, 2001, pursuant to notice duly published within the Daily News-Tribune at least 15 days prior to said public hearing and the LaSalle Planning Commission after due consideration at the time of said public hearing recommended to the City Council of the City of LaSalle that the proposed change restricting the portion of the downtown business district described above as the Residential Use Excluded Portion of the Downtown Business District from being used as residential property (R1-R4 inclusive as defined within the Ordinance) be approved and adopted.

(6) The City Council of the City of LaSalle has previously accepted the recommendation of the Planning Commission to restrict the portion of the downtown business district defined above as the Residential Use Excluded Portion of the Downtown Business District from being used as residential property.

(B) *Restriction of first floor area.* The first floor portion of the below described portions of the downtown business district (all of which was previously a portion of the C-3 Central Business District as defined within the Zoning Ordinance (with the exception of a part of the East side of Crosat Street between First and Second Street that was part of the C-2 Commercial District) be henceforth restricted and prohibited from being used for residential use of property (including residential uses as defined within R1 through R4 of the present City of LaSalle Zoning Ordinance) with the portions of the downtown business district to be so restricted and prohibited from use pursuant to this Amendment to the Zoning

Ordinance to be defined as the First Floor of the following:

(1) All of First Street between the West side of Bucklin to and including the East side of Crosat Street;

(2) All of Second Street from and including the West side of Bucklin to and including the East side of Tonti Street;

(3) All of the South side of Third Street from and including the West side of Bucklin Street to the East side of Joliet Street;

(4) That part of Bucklin, Wright, Gooding, Marquette and Joliet Streets between First and Third Street.

(5) This Amendment and change to the Zoning Ordinance shall be subject however, to the provisions of §§ 153.095 through 153.097 of the Zoning Ordinance regarding preexisting, non-conforming uses of property within the above described portion of the downtown business district. (Ord. 1748, passed 10-1-2001)

§ 153.081 SPECIAL USE PERMITS FOR COLLECTION CONTAINERS AND COLLECTION TRAILERS REQUIRED.

(A) Drop off collection containers and/or collection trailers shall henceforth only be allowed within commercial or industrial zoning districts within the city, with it additionally provided that this use shall henceforth require a special use permit with said special use permit, if granted, to be in full force and effect for a period not to exceed 12 months. At the conclusion of the 12 month period, the City Council shall review the permit to determine if a renewal for an additional 12 month period would be appropriate given the demonstrated impact of the special use.

(B) Additionally, in reference to regulating drop off collection containers and/or drop off collection trailers, it is hereby provided that each receptacle (i.e.

each collection container and/or collection trailer) shall contain and display on the same the name, address and phone number of the company, group, organization or individual that has ownership and/or leasehold interest in the same.

(C) Additionally, each of said receptacles (i.e. drop off collection containers and/or collection trailers) shall be kept and maintained in such a manner as to always keep and maintain that items intended for deposit within the same within the collection container and/or trailer, and to further maintain the same in a manner to not be violative of the city nuisance ordinances including, but not being limited to, Chapter 91 of this Code of Ordinances.

(D) While division (A) of this section shall be subject to the provisions of this chapter regarding non-conforming uses, divisions (B) and (C) of this section regarding the regulation of the same and their provision in reference to their maintaining in the same manner so as to not constitute a nuisance shall apply to all drop off collection containers and/or collection receptacles immediately subject to the reasonable notice provision provided in divisions (E) and (F) of this section.

(E) Additionally, however, the provisions in reference to regulation in reference to division (B) of this section regarding existing collection containers and/or collection trailers, enforcement remedies regarding potential penalties shall not be pursued as to existing collection containers and/or collection trailers until persons owning and/or having a leasehold interest in the same are sent a 15 day notice in reference to compliance with the regulatory aspects of division (B) of this section.

(F) Additionally, the owners and occupants of premises placing and/or allowing said drop off containers and/or drop off trailers to remain on their premises shall advise the Building Inspector upon inquiry by the Building Inspector as to the name, address and phone number of any company, group, organization or individual that has an ownership and/or possessory interest in any collection container and/or collection trailer.

(G) Notwithstanding anything else that may suggest to the contrary herein, this amendment to the Zoning Ordinance is not intended to apply and shall not be construed as having any application to garbage containers and/or garbage dumpsters.
(Ord. 2156, passed 12-15-2008)

NONCONFORMING USES

§ 153.095 NONCONFORMING BUILDINGS.

(A) Any lawful use of a building existing at the effective date of this chapter may be continued, even though such use does not conform to the provisions hereof. If no structural alterations are made, a nonconforming use of a building may be changed to another nonconforming use of the same or of a more restricted classification. Whenever a nonconforming use has been changed to a more restricted use or to a conforming use, such use shall not thereafter be changed to a less restricted use. The nonconforming

use of a building may be extended throughout those parts thereof which were manifestly arranged or designed for such use at the time of adoption of this chapter.

(B) Whenever the use of a building shall become nonconforming through a change in the zoning regulations or in the district boundaries such use may be continued, and if no structural alterations are made, may be changed to another nonconforming use of the same or of a more restricted classification.

(C) Whenever a nonconforming use of a building or portion thereof is discontinued for a continuous period of 2 years, any future use of such building or portion thereof shall be in conformity with the regulations of the district in which the building is located.

(D) A nonconforming building which has been damaged by fire, explosion, act of God or the public enemy to the extent of more than 75% of its reproduction value at the time of damage shall not be restored except in conformity with the regulations of the district in which it is located or as provided in §§ 153.123. When damaged by less than 75% of its reproduction value, a nonconforming building may be repaired or reconstructed and used as before the time of damage provided such repairs or reconstruction are completed within 1 year of the date of such damage.

(E) A nonconforming use in violation of the provisions of the zoning regulations which this chapter supersedes shall not be validated by the adoption of this chapter.

(1963 Code, § 10-16-1) (Ord. 590, passed 6-26-1958)

§ 153.096 NONCONFORMING USES OF LAND.

A nonconforming use of land existing at the effective date of this chapter may be continued; provided, however, that no such nonconforming use of land shall be in any way expanded or extended, either on the same or adjoining property. If such nonconforming use of land or any portion thereof is

discontinued for a continuous period of 1 year or changed, any future use of such land shall be in conformity with the provisions of this chapter.

(1963 Code, § 10-16-2) (Ord. 590, passed 6-26-1958)

§ 153.097 REMOVAL OF NONCONFORMING USES.

The nonconforming use of land for storage purposes and for advertising signs and billboards located within any R District shall be discontinued within 5 years from the date of approval of this chapter and any such uses of land which become nonconforming by reason of a subsequent change in this chapter shall also be discontinued within 5 years from the date of the change.

(1963 Code, § 10-16-3) (Ord. 590, passed 6-26-1958)

EXTRATERRITORIAL DISTRICT

§ 153.110 ADOPTION OF DISTRICT AND ZONING MAP.

The City of LaSalle Extraterritorial District Area and Zoning Map, approved by the Plan Commission on April 23, 1963, and filed with the City Clerk on April 24, 1963, passed and adopted by the City Council on June 3, 1963, and approved by the Mayor on June 3, 1963, together with Future Land Use Map prepared by Harland Bartholomew and Associates under the direction of the City Plan Commission, which said Plan Commission approved the Map, and Map was filed with the City Clerk on June 26, 1958, be and the same are hereby adopted by the City Council as the official comprehensive plan for the present and future development of the city and territory contiguous to and within 1½ miles thereof. (1963 Code, § 10-20-1) (Ord. 657, passed 4-15-1963)

ADMINISTRATION AND ENFORCEMENT**§ 153.120 PERMITS, FEES AND PLANS.**

(A) All applications for building permits shall be accompanied by accurate plot plans, submitted in duplicate, drawn to scale, showing the actual shape and dimensions of the lot to be built upon, the exact sizes and locations on the lot of the buildings and accessory buildings then existing and the lines within which the proposed building and structure shall be erected or altered, the existing and intended use of each building or part of building, the number of families or housekeeping units the building is designed to accommodate, and such other information with regard to the lot and neighboring lots as may be necessary to determine and provide for the enforcement of this chapter. A careful record of the original copy of such applications and plats shall be kept in the office of the Building Inspector and the duplicate copy shall be kept at the building at all times during construction.

(1963 Code, § 10-18-1)

(B) Any person and/or entity desiring a building permit shall at the time of filing application therefor pay to the city through the office of the Building Inspector a filing fee of \$15 together with an additional \$2 sum for any work costing less than \$1,000 or any major part thereof for work costing more than \$1,000. Additionally work contemplated by an allowed building permit shall be completed within 6 months subsequent to the issuance of the building permit, subject to said 6-month period being extended for reasonable time or times for good cause within the appropriate exercise of discretion of the Building Inspector. Subsequent to the expiration of 6 months, plus whatever additional time may have been allowed within the appropriate discretion of the Building Inspector, a building permit shall expire and be no longer valid.

(Am. Ord. 1891, passed 2-14-2005)

(C) All dimensions shown on these plans relating to the location and size of the lot to be built upon shall be based on an actual survey and the lot shall be staked out on the ground before construction is started.

(1963 Code, § 10-18-2) (Ord. 590, passed 6-26-1958)

§ 153.121 CERTIFICATES OF OCCUPANCY.

(A) *When certificates required.* Certificates of occupancy shall be required for any of the following:

(1) Occupancy and use of a building hereafter erected or structurally altered.

(2) Change in use of an existing building to a use of a different classification.

(3) Occupancy and use of vacant land.

(4) Change in the use of land to a use of a different classification.

(5) Any change in the use of a nonconforming use. No such occupancy, use or change of use, shall take place until a certificate of occupancy therefor shall have been issued by the Building Inspector.

(1963 Code, § 10-17-1)

(B) *Certificate for a building.* A certificate of occupancy for a new building or the alteration of an existing building shall be applied for coincident with the application for a building permit and said certificate shall be issued within 3 days after the request for same shall have been made in writing to the Building Inspector after the erection or alteration of such building or part thereof shall have been completed in conformity with the provisions of these regulations. Pending the issuance of a regular certificate, a temporary certificate of occupancy may be issued by the Building Inspector for a period not exceeding 6 months, during the completion of alterations or during partial occupancy of a building

pending its completion. Such temporary certificates shall not be construed as in any way altering the respective rights, duties or obligations of the owners or of the city relating to the use or occupancy of the premises or any other matter covered by this title, and such temporary certificate shall not be issued except under such restrictions and provisions as will adequately insure the safety of the occupants.

(1963 Code, § 10-17-2)

(C) *Certificate for land.* Certificates of occupancy for the use of vacant land or the change in the character of the use of land as herein provided, shall be applied for before any such land shall be occupied or used, and a certificate of occupancy shall be issued within 3 days after the application has been made; provided, such use is in conformity with the provisions of these regulations.

(1963 Code, § 10-17-3)

(D) *Record of certificates.*

(1) A certificate of occupancy shall state that the building or proposed use of a building or land complies with the provisions of these regulations. A record of all certificates shall be kept on file in the office of the Building Inspector and copies shall be furnished on request to any person having a proprietary or tenancy interest in the building affected.

(2) No permit for excavation for any building shall be issued before application has been made for a certificate of occupancy.

(1963 Code, § 10-17-4)

(E) *Nonconforming uses.* A certificate of occupancy shall be required for all lawful nonconforming uses of land or buildings created by adoption of this chapter. Application for such certificate of occupancy for a nonconforming use shall be filed with the Building Inspector by the owner of the building or land occupied by the nonconforming use within 1 year of the effective date of this chapter. It shall be the duty of the Building Inspector to issue a certificate of occupancy for a lawful nonconforming use, but failure to apply for such certificate of

occupancy for a nonconforming use, or refusal of the Building Inspector to issue a certificate of occupancy for such nonconforming use shall be evidence that the nonconforming use was either illegal or did not lawfully exist on June 26, 1958.

(1963 Code, § 10-17-5) (Ord. 590, passed 6-26-1958)

§ 153.122 ENFORCEMENT.

(A) It shall be the duty of the Building Inspector to enforce this title.

(B) Any person who violates, disobeys, omits, neglects, or refuses to comply with, or who resists the enforcement of any of the provisions of this chapter shall, upon conviction, be deemed guilty of a misdemeanor and subject to the penalty provided in § 153.999.

(C) (1) In case any building or structure is constructed, reconstructed, altered, repaired, converted, or maintained, or any building, structure, or land is used in violation of this chapter, the city, or any owner or tenant of real property in the same contiguous zoning district as the building or structure in question, in addition to other remedies, may institute any appropriate action or proceeding:

(a) To prevent the unlawful construction, reconstruction, alteration, repair, conversion, maintenance, or use.

(b) To prevent the occupancy of the building structure or land.

(c) To prevent any illegal act, conduct, business or use in or about the premises.

(d) To restrain, correct or abate the violation.

(2) When any such action is instituted by an owner or tenant, notice of such action shall be served upon the city at the time suit is begun, by serving a

copy of the complaint on the chief executive officer of the city, no such action may be maintained until such notice has been given.

(D) In any such action or proceeding, the court with jurisdiction thereof has the power and in its discretion may issue a restraining order, or a preliminary injunction, as well as a permanent injunction, upon such terms and under such conditions as will do justice and enforce the purposes of this chapter.

(E) If a permanent injunction is decreed in any such action or proceeding, the court in its decree may, in its discretion, allow the plaintiff a reasonable sum of money for the services of the plaintiff's attorney. This allowance shall be a part of the costs of the litigation assessed against the defendant, and may be recovered as such.

(1963 Code, § 10-19-3) (Ord. 590, passed 6-26-1958)

§ 153.123 ZONING BOARD OF APPEALS.

(A) *Board established; terms; organization.* A Board of Appeals is hereby established. The word **BOARD** when used in this section shall be construed to mean the Board of Appeals. The Board shall consist of 7 members who shall be freeholders appointed by the Mayor upon approval by the Council. Not less than 2 members of the Board shall be members of the Plan Commission. The terms of office of the members of the Board shall be 5 years except that the 7 members first appointed shall serve respectively for terms of 1, 2, 3, 4, 5, 6, and 7 years. Thereafter as each term expires, the appointment shall be for 5 years. Vacancies shall be filled for the unexpired term of the member whose place has become vacant by the appointing authority which shall have the power to remove any member of the Board for cause, after notice and hearing. One of the members of the Board shall be named as Chairperson at the time of the member's appointment.

(1963 Code, § 2-2-1)

(B) *Meetings.* Meetings of the Board shall be held at the call of the Chairperson and at such other times as the Board may determine. The Chairperson, or in the Chairperson's absence, the Acting Chairperson may administer oaths and compel the attendance of witnesses. All meetings of the Board shall be open to the public. The Board shall keep minutes of its proceedings, showing the vote of each member upon each question, or if absent or failing to vote, indicating such fact, and shall keep records of its examinations and other official actions, all of which shall be immediately filed in the office of the Board and shall be a public record.

(1963 Code, § 2-2-2) (Ord. 590, passed 6-26-1958)

§ 153.124 APPEALS.

(A) (1) Petitions to the Council for variations or exceptions or appeals may be made by any person or by any officer, department, board, or bureau of the city affected by any decision of the Building Inspector. The appeal shall be taken within a reasonable time by filing with the Building Inspector and with the Council a notice of appeal, specifying the grounds thereof. The Building Inspector shall forthwith transmit to the Council all papers constituting the record from which the action appealed from is taken.

(2) An appeal shall stay all proceedings in furtherance of the action appealed from, unless the Building Inspector certifies to the Council, after notice of appeal shall have been filed with the Building Inspector, that, by reason of the facts stated in the certificate, a stay would, in the Building Inspector's opinion, cause imminent peril to life or property. In such case, proceedings shall not be stayed otherwise than by a restraining order which may be granted by the Council or by a court of record.

(3) The Council shall refer any such petition or appeal to the Board and shall take no action until it has received the report of the Board. The Board shall hold a public hearing upon each petition or appeal. Fifteen-days' notice of the time, place and purpose of such hearing shall be given in the official

newspaper. After the hearing the Board shall make a report to the Council of its findings of fact, its recommendations regarding petition or appeal and the reasons therefor. If the Board recommends against the granting of such petition or appeal, the order granting such petition or appeal can be adopted only by a favorable 2/3 vote of the members of the Council.

(B) The Board shall also hear and decide appeals where it is alleged that there is error in any order, requirement, decision or determination made by the Building Inspector in the enforcement of the Zoning Code.

(C) All appeals and petitions for appeal shall be in writing in duplicate and shall be filed with the Building Inspector or with the City Clerk, who shall present the same to the next regular meeting of the City Council. A fee of \$100 shall be paid at the time such petition or appeal is filed. The Council may at its discretion and upon request of the petitioner waive or reimburse this fee.

(D) For purposes of defining the term appeal, in connection with the jurisdiction of the Zoning Board of Appeals herein, appeal is specifically defined as an appeal from any order, requirement, decision, or determination made by the Building Inspector of the city. The Zoning Board of Appeals shall also consider requests for exceptions and variations to the zoning ordinance as provided in the zoning ordinance.

(1963 Code, § 2-2-3) (Ord. 590, passed 6-26-1958; Ord. 701, passed 1-24-1966; Am. Ord. 1258, passed 6-25-1990; Am. Ord. 1277, passed 1-7-1991; Am. Ord. 1350, passed 11-17-1992)

§ 153.125 EXCEPTIONS.

The Council may authorize, by ordinance and after hearing and report by the Board, the following exceptions to the terms of this Zoning Code:

(A) Permit the extension of a district where the boundary line of a district divides a lot in a single ownership at the time of the adoption of the Zoning Code.

(B) Interpret the provisions of the Zoning Code in such a way as to carry out the intent and purpose of the plan, as shown upon the map fixing the several districts adopted by reference and made a part of the Zoning Code where the street layout actually on the ground varies from the street layout as shown on the map.

(C) Permit the erection and use of a building or the use of premises in any location for a public service corporation for public utility purposes which the Council determines reasonably necessary for the public convenience or welfare.

(D) Permit the reconstruction of a nonconforming building which has been damaged by explosion, fire, act of God, or the public enemy, to the extent of more than 60% of its reproduction value, where the Council finds some necessity requiring a continuance of the nonconforming use and the primary purpose of continuing the nonconforming use is not to continue a monopoly.

(E) Waive or reduce the parking and loading requirements in any of the districts whenever the character or use of the building is such as to make unnecessary the full provision of parking or loading facilities, or where such regulations would impose an unreasonable hardship upon the use of the lot, as contrasted with merely granting an advantage or a convenience.

(F) Permit an off-street parking area in an R-4 District where this would relieve traffic congestion on the streets; provided, such parking area conforms to the following conditions:

(1) The entire area is located within 200 feet of a C-1, C-2, or C-3 District, exclusive of any publicly dedicated right-of-way.

(2) The area shall be used exclusively for the parking of vehicles belonging to invitees of the owner or lessee of the lot.

(3) Walls, fencing, or planting shall be provided to protect and be in harmony with surrounding residential property.

(4) The parking area shall not include any required front yard in the district in which it is located.

(5) All driveways and the area used for parking spaces shall be properly drained and surfaced with a hard, durable, dustproof material and plans and specifications for same, together with the locations of entrances and exits, shall be approved by the Engineer.

(6) The area shall conform to such other reasonable requirements as the Council may require for the protection of surrounding property, persons, and residential values.

(G) To determine whether an industry should be permitted within the M-1 Light Industrial and the M-2 Heavy Industrial Districts because of the methods by which it would be operated and because of its effect upon uses within surrounding zoning districts.

(H) Permit any construction or occupancy permit to be issued in an AG-1 Agricultural District for any of the following uses:

- (1) Filtration plant;
- (2) Pumping station;
- (3) Water reservoir;
- (4) Sewage treatment plant;
- (5) Police station;
- (6) Fire station;
- (7) Sanitary landfill;
- (8) Telephone exchange;
- (9) Electric sub-station;
- (10) Fair grounds;

(11) Gun club if located not nearer than 1,000 feet to any residence other than that of the owner or lessee of the site.

(12) Hospital or institution of an educational, religious, charitable, or philanthropic nature, other than those specifically permitted in § 153.024 of this chapter provided that it be located on a site which contain at least 5 acres and provided that such buildings shall not occupy more than 30% of the total area of the lot;

(13) Commercial feed lot;

(14) Cemetery;

(15) Mines:

(a) Mine;

(b) Open cut mine;

(c) Pit mines;

(16) Explosives.

(1963 Code, § 2-2-4) (Ord. 590, passed 6-26-1958; Am. Ord. 656, passed 6-3-1963)

§ 153.126 VARIATIONS.

The City Council may authorize by ordinance, after a public hearing and a report by the Board, a variation in the strict application of the terms of the ordinance in harmony with its general purpose and intent in cases where there are practical difficulties or particular hardships in carrying out the strict letter of any of those regulations relating to the use, construction, or alteration of buildings or structures or the uses of land.

(1963 Code, § 2-2-5) (Ord. 590, passed 6-26-1958; Am. Ord. 1350, passed 11-17-1992)

§ 153.127 AMENDMENTS AND CHANGES.

(A) The Council may, from time to time, on its own motion or on petition, amend, supplement or change by ordinance the regulations and districts herein or subsequently established, but no such amendments shall be made without a public hearing before the Plan Commission and its report to the Council. Notice of the time, place, and purpose of the hearing shall be given as required by law. In the case of written protest against any proposed amendment, under the conditions specified in ILCS Ch. 65, Act 5, § 11-13-14, the amendment shall not be passed except by a favorable vote of 2/3 of the Council.

(B) All petitions praying for a change, amendment or supplement of the established zoning districts of the city and regulations connected therewith shall be filed by the person requesting such action and such petition shall contain the street address of the petitioner, and lot number of any real estate owned by the owner adjacent to the area proposed to be changed and shall also contain an accurate legal description of the district or part of districts proposed to be so altered. Such petition shall also recite facts indicating that the proposed change will not be detrimental to the general public interest and the purposes of this title and shall further disclose the purpose for which such property is sought to be used.

(C) A petition for a change in the regulations or districts herein or subsequently established shall be filed with the City Clerk in duplicate. A fee of \$100 shall be paid at the time of filing to cover the cost of publication of notice of hearing on said petition and other costs incidental to such hearing. The Council may at its discretion and upon request of the petitioner waive or reimburse this fee.

(D) Provided, however, that if any such development plan shall be designed or intended for multiple-family dwelling use, involving more than 50 dwelling units, the requirements of §§ 153.001

through 153.127 with respect to lot area per family may be waived, and the plan approved without respect to lot area per family.

(1963 Code, § 10-19-2) (Ord. 590, passed 6-26-1958; Am. Ord. 701, passed 1-24-1966; Am. Ord. 790, passed 6-22-1970; Am. Ord. 1258, passed 6-25-1990; Am. Ord. 1277, passed 1-7-1991; Am. Ord. 1350, passed 11-17-1992)

SUBDIVISIONS

§ 153.145 TITLE AND PURPOSE.

(A) This subchapter shall be known, referred to and titled as the Land Subdivision Ordinance of the City of LaSalle.

(B) This subchapter is hereby made a part of the official plan of the city and is to provide for the harmonious development of the city and its environs, for the coordination of streets within subdivisions with other existing or planned streets or with other features of the official plan, for adequate open spaces for traffic, schools, recreation, light and air, and for a distribution of population and traffic which will tend to create conditions favorable to health, safety, convenience or prosperity.

(Ord. A-590, passed 9-15-1958)

§ 153.146 DEFINITIONS.

For the purpose of this subchapter the following definitions shall apply unless the context clearly indicates or requires a different meaning.

COMMISSION. The City Planning Commission of LaSalle.

FINAL PLAT. The drawings and documents described in § 153.150(A) and § 153.151(B).

MAJOR STREET. A street shown on the major street plan, a part of the official plan.

PRELIMINARY PLAN The drawings and documents described in § 153.149(A).

SUBDIVISION OF LAND. SUBDIVISION OF LAND is the division of land into 2 or more lots, parcels or tracts of 1 acre or less in area; or the dedication of streets, ways or other areas for the use of the public. Any sale of a division of land by metes and bounds as defined in the preceding portion of this paragraph shall constitute a subdivision of land and require, prior to any sale and before the delivery of a deed, the submission of a plat as required by law; provided, however, that the sale or exchange of parcels of land to or between adjoining property owners, where such sale or exchange does not create additional lots, shall not be considered as a subdivision of land, and provided further, that a contract of sale requiring conformity with this subchapter may be entered into.
(Ord. A-590, passed 9-15-1958)

§ 153.147 JURISDICTION AND PROCEDURE.

(A) *Plat, when required.* It shall be unlawful for the owner, agent or person having control of any land within the corporate limits of the city or within 1½ miles of the its corporate limits, to subdivide or lay out such land into lots, blocks, streets, avenues, alleys, public ways, and grounds, unless by plat in accordance with the laws of the State of Illinois and the provisions of this ordinance.

(B) *Preliminary plan to be approved.* A preliminary plan shall first be submitted to the Commission for its consideration as hereinafter provided. The commission shall report its findings and recommendations in writing to the Council for its consideration and approval or disapproval. The design and layout of all subdivisions shall conform to the requirements of § 153.148. The subdivider shall submit a preliminary plan to the Commission prepared in accordance with the specifications of § 153.149.

(C) *Requisites for approval.*

(1) Following approval of the preliminary plan by the Commission and the Council, the subdivider shall:

(a) Install the required improvements
and;

(b) Furnish a bond for such installation
and;

(c) Agree to an assessment guaranteeing such installations, all in accordance with the requirements of § 153.150.

(2) Upon approval of the improvements, installations or arrangements therefore, the final plat may be submitted in accordance with the provisions of § 153.151. The final plat shall conform to the requirements of § 153.151.

(3) No plat or replat shall be filed for record or recorded in the office of the Recorder of Deeds of LaSalle County, Illinois unless and until the approval of the Council is endorsed thereon by the City Clerk, and no lot shall be sold from such plat or replat unless and until approved by the Council and filed for record in the office of the Recorder of Deeds of LaSalle County, Illinois as herein provided.
(Ord. A-590, passed 9-15-1958)

§ 153.148 SUBDIVISION DESIGN STANDARDS.

(A) *Relations to adjoining street system.* The arrangement of streets in new subdivisions shall make provision for the continuation of the existing streets in adjoining areas (or their proper projections where adjoining land is not subdivided) insofar as they may be deemed necessary for public requirements. The width of such streets in new subdivisions shall not be less than the minimum widths established herein. The street and alley arrangements shall not be such as to create hardship for owners of adjoining property in platting their own land and providing convenient access to it. Off-set streets shall be avoided. The

angle of intersection between minor streets and major streets shall not vary by more than 10 degrees from a right angle. Streets obviously in alignment with existing streets shall bear the names of the existing streets. Proposed street names that are in conflict with existing street names shall not be approved.

(B) *Street and alley width.*

(1) The widths and locations of major streets shall conform to the widths and locations designated on the major street plan.

(2) The minimum width for major streets shall be 50 feet. When streets adjoin subdivided property, a half street at least 30 feet in width may be dedicated, and whenever subdivided property adjoins a half street the remainder of streets shall be dedicated.

(3) Alleys shall not be provided in a residential block. Alleys are required in the rear of all business lots and shall be at least 20 feet wide.

(C) *Easements.* Easements of at least 5 feet in width shall not be provided and dedicated on each side of all rear lot lines and along side lot lines, where necessary for poles, wires, conduits, storm and sanitary sewers, gas water or other mains. Basements of greater width may be required along or across lots where necessary for the extension of main sewers of other utilities or where both water and sewer lines are located in the same easement.

(D) *Blocks.*

(1) No block shall be longer than 1,200 feet or shorter than 500 feet between cross streets. Blocks over 1,000 feet in length shall have a cross-walk with a right-of-way of at least 10 feet in width near the center of the block.

(2) In platting residential lots containing less than 15,000 square feet, the depth of the block shall be between 200 feet and 300 feet.

(3) Subdivisions need not follow normal street arrangement. Courts, dead end streets, or other arrangements, may be provided if proper access is given to all lots from a dedicated street or court. All dead end streets shall terminate in a dedicated street space having a minimum radius of 50 feet. Dead end street shall not exceed 1,000 feet in length.

(E) *Lots.*

(1) The lot arrangement and design shall be such that all lots will provide satisfactory and desirable building site, properly related to topography and the character of the surrounding development.

(2) All side lines of lots shall be at right angles to straight street lines and radial to curved street lines except where a variation of this rule will provide a better street and lot layout. Lots with double frontage shall be avoided.

(3) No lot shall have a depth of less than 100 feet or a depth in excess of 3 times its width. No lot shall have an area or width less than that required by any zoning ordinance adopted as part of the official plan.

(4) Corner lots shall have extra width sufficient to permit the establishment of front building lines on both the adjoining streets.

(5) Lots fronting on major street intersections and acute angle intersections of less than 85 degrees shall have a radius of 20 feet at the street corner. On business lots a chord may be substituted for the circular arc.

(F) *Building lines.* Street set back building lines conforming with zoning regulations or the standards of the official plan shall be shown on all lots.

(G) *Maintenance of improvements outside corporate limits.* Where a subdivision outside the corporate limits contains sewers, sewage treatment plants, water supply systems, park areas, street trees or other physical facilities necessary or desirable for

the welfare of the area and which are of common use or benefit and which the city does not desire to, or cannot maintain, provision shall be made by trust agreements made a part of the deed restrictions acceptable to the city, for the proper and continuous maintenance and supervision of facilities by the lot owners in the subdivision.

(H) *Parks, schools sites, etc.*

(1) Where an area being subdivided includes lands proposed to be used for parks or schools, under the duly adopted official plan of the city, the subdivider shall dedicate such lands to the proper public agency as a part of subdivision plat; provided, however, that such dedication need not exceed 7½ % of the total area of the subdivision plat. Where such land exceed 7½ % of the total area of the subdivision plat, the part of such lands in excess of 7½ % of the total area shall also be shown on the plat and arrangements made for purchase of such lands by the proper public agency in a period of not less than 3 years from the date of approval of the plat, said purchase to be consummated within 3 years from the date approval of final plat.

(2) Where less than 7½ % of an area being subdivided consists of land proposed for parks or schools under the official plan, the subdivider shall dedicate any lands so proposed and pay the city a sum of money so that either or both the dedication and the payment equal 7½ % of the appraised value of the land before it is subdivided. Sums so received shall be placed in a special fund to be known as the Subdivision Park and School Site Purchase Fund and used by the Council solely for purchase of land for parks or schools in accordance with the official plan and after receipt of recommendations of the Commission. Value of the land shall be made by 3 qualified appraisers, 1 of whom shall be appointed by the Council, 1 of whom shall be appointed by the subdivider and 1 of whom shall be mutually agreed upon by the 2 appraisers named above. The subdivider may agree with the city on an installment method of payment based on the sale of the lots.

(I) *Easements along streams.* Whenever any stream or important surface drainage course is located in any area which is being subdivided, the subdivider may provide an adequate easement as determined by the City Engineer along each side of the stream for the purpose of widening, deepening, sloping, improving or protecting the stream.
(Ord. A-590, passed 9-15-1958)

§ 153.149 PRELIMINARY PLAN.

(A) *Preliminary, where filed, exception.* Any person proposing to subdivide land shall file 3 copies of a preliminary sketch plan of such proposed plat with the City Attorney. The preliminary sketch plan shall be accompanied by a filing fee of \$1 for each lot within the proposed subdivision, providing that the subdivision does not consist of less than 10 lots in which case a minimum filing fee of \$10 shall be required. Hearing on such proposal shall be had before the Commission at its first regular meeting following the filing, provided only that notice of the consideration of such plan and the time and place of hearing shall be given to all interested persons as hereinafter provided. Plats containing 3 lots or less and not more than 1 acre may be exempted from the provisions of this section, upon application to the Commission.

(B) *Notice of hearing.* No hearing shall be held by the Commission until notice thereof shall have been given by the City Attorney in behalf of the Commission, by publication of notice of the hearing in the daily newspaper for at least 1 insertion, a week prior to the date of said hearing, and by mailing a notice to the person or persons who filed the preliminary plan to the address set forth in the filing papers.

(C) *The preliminary plan shall show the following.*

(1) The location of the present property lines and section lines and streets, buildings, water courses and other existing structures with the area to be subdivided and similar information regarding land immediately adjacent thereto.

(2) The proposed location and width of streets, alleys, lots, building and set back lines and easements.

(3) Existing sanitary and storm sewers, water drains, culverts, and other underground structures within the tract or on streets immediately abutting thereto; the location and size of the nearest water main and sewer outlet.

(4) The title under which the proposed subdivision is to be recorded and the name of the engineer, the registered land surveyor, and the subdivider of the plat.

(5) Contours referred to the city datum with 2 feet or less.

(6) The north point, scale and date.

(7) Plans or written and signed statements setting out the grads or profiles of the streets, the proposed grades and facilities for all required improvements and the subdividers proposal to the city for accomplishing their installation in accordance with § 153.150.

(D) *Approval or preliminary plan.*

(1) If, upon hearing, the Commission shall find such proposed plan to satisfy the requirements of this subchapter, it shall approved the plan and recommend final approval by the Council upon complying with the requirements of § 153.150 and submitting a final plan in accordance with § 153.151.

(2) If, upon hearing, the Commission shall find that such proposed plan does not satisfy the requirements of this subchapter, it shall specify in writing in the minutes of the hearing such objections as are found to such plan and may recommend the disapproval of such proposed plan, or recommend approval conditioned upon specific changes in the proposed plan, removing such objections and further compliance with § 153.150 and § 153.151.

(3) One copy of the proposed plan, together with a copy of the findings of the Commission upon hearing, shall be filed by the Commission with the City Clerk and by the City Clerk submitted to Council as provided in § 153.147(B). One copy of the proposed plan and findings shall be retained by the Commission and 1 copy and findings shall be given the person offering the proposed plan, together with certificate of approval or disapproval of the Commission, City Engineer and Council. (Ord. A-590, passed 9-15-1958)

§ 153.150 MINIMUM IMPROVEMENTS.

(A) *Authority to proceed with final plat.* Receipt by the subdivider of the copy of the preliminary plan together with the approval of the Commission, City Engineer and Council, shall constitute authority for the subdivider to proceed with the final plans and specifications for the installation of the required improvements and preparation of the final plat. Prior to the construction of any required improvements the subdivider shall submit such final plans and specifications to the City Engineer. If the City Engineer shall find such plans and specifications to be in accordance with applicable policies and standards of the city, he or shall authorize construction and determine the amount of bond, if required. Following the approval of the City Engineer, construction may be started, the bond filed, and or an assessment provided.

(B) *Requirements for approval of final plat.* No final or official plat of any subdivision shall be approved unless:

(1) The subdivider agrees with the city that the city under the Local Improvement Act may construct improvements listed hereafter and assess the cost thereof against the property benefitted.

(2) The improvements listed hereafter have been installed prior to such approval, or

(3) The subdivider shall have filed with the Council a surety bond to insure the construction of the improvements listed in this section in a satisfactory manner and within the period specified by the Council, such period not to exceed 2 years. No such bond shall be accepted unless it be enforceable by or payable to the city in a sum at least equal to the cost of constructing the improvements as estimated by the City Engineer, and in form with surety and conditions approved by the City Attorney.

(C) *Installation of part of improvements.* The owner of a tract may prepare and secure approval of preliminary subdivision plan of an entire area and may install the required improvements only in a portion of such area, but the improvements must be installed or provision for their installation in any portion of the area for which a final plat is approved for recording; provided, however, that water mains, storm sewers, trunk sewers and any sewage treatment plants shall be designed and built to serve the entire area planned by the subdivider or designed and built in such manner that they can easily be expanded or intended to serve the entire area; and provided further that the requirements of division (H) have been met.

(D) *Survey monuments.* All subdivision boundary corners and the centers of all street intersections shall be marked with permanent survey monuments. All points of tangency and points of curvature of all curves shall be marked with permanent monuments. A permanent monument shall be deemed to be concrete with brass rod center at least 8 inches long with a minimum dimension of 4 inches extending below the frost line. Should conditions prohibit the placing of monuments on the line, off-set markings will be permitted, provided, however, the exact off-set courses and distances are shown on the subdivision plat. Iron pipes or steel rods shall be set at all lot corners.

(E) *Street improvements.* All street and public ways shall be graded the their full width, including side slopes, and to the appropriate grad and shall be surfaced in accordance with applicable standard specifications of the city. Such construction shall be subject to inspection and approval by the City Engineer.

(F) *Sidewalks.* Concrete sidewalks shall be constructed along at least 1 side of every street shown on the plat in accordance with applicable standard specifications of the city, except that concrete sidewalks shall be constructed along both sides of all major streets; and provided, however, that where the property is platted in lots having an area of at least 20,000 square feet and a width of at least 100 feet, the Council may waive those requirements. Location of all sidewalks shall be shown on final plats.

(G) *Water lines.* Where a public water supply approved by the city is reasonably accessible, each lot within the subdivision area shall be provided with a connection to such water supply, the water to terminate not less than 2 feet inside of curb line or easement line. Fire hydrants shall also be installed in all subdivisions, with a maximum spacing of 600 feet. In proposed subdivisions outside the city limits, pending availability of a public water supply, the subdivider may be required to construct wells or a private water supply system in such a manner that an adequate supply of potable water will be available to every lot in the subdivision at the time improvements are erected thereon. The information furnished and approval of the same shall comply with the requirements of the State Health Department. The water supply system shall be constructed under the direction and control of, and all construction shall be subject to the approval of, the City Engineer.

(H) *Sanitary systems.*

(1) In all areas where a public sanitary sewer is reasonably accessible, each lot within the subdivided area shall be provided with a connection to the sanitary sewer, said sewer connection to terminate not less than 2 feet inside curb line or easement line. All connections to a city sewer system and the subdivision sewer system shall comply with the ordinances of the city pertaining to sewers and all construction shall be subject to the approval of the City Engineer of the municipality involved.

(2) In proposed subdivisions beyond the city limits in which the lots are less than 1 acre in area, where a public sanitary sewer is not reasonably

accessible but where plans for the installation of sanitary sewers in the vicinity of the subdivision to install sewers in conformity with such plan. In such cases, until a connection can be made with the public sewer system, the use of a sewage treatment plant will be permitted, provided such disposal facilities are constructed in accordance with the ordinances of the city pertaining to sanitary sewage disposal.

(3) In proposed subdivisions in which the lots are less than 1 acre in area where sewers are not accessible and no plans for sewers have been prepared, the subdivider may be required to install sewer lines and a disposal system in accordance with the requirements of division (H)(2), or if the subdivision has been platted in to lots having a minimum width of 100 feet and an average area of 20,000 square feet or more, he or she may install individual disposal devices for each lot at the time improvements are erected thereon. However, if the subdivider shall decide to provide individual aeration septic systems on each individual lot, then the subdivision may be platted in to lots having a minimum width of 100 feet and an average area of 15,000 or more. All such individual sewage disposal systems shall be constructed in accordance with regulations and requirements of the State Health Department and under the direction and control of and approval of the City Plumbing Inspector. (Am. Ord. 944, passed 8-21-1978)

(I) *Drainage.* The plat shall be laid out so as to provide proper drainage of the area being subdivided. Drainage improvements shall maintain any natural water-course and shall prevent the collection of water in any low spot. A storm sewer system, approved by the City Engineer shall be provided. (Ord. A-590, passed 9-15-1958)

§ 153.151 FINAL PLAT.

(A) Final plat, submit to Council.

(1) The final plat shall consist of an accurate map or plat designating specifically the land so laid out and particularly describing the lots, blocks, streets avenues, alleys, public ways or other portions

of the same intended to be dedicated for public use or for the use of the purchasers or owners of lots fronting thereon or adjacent thereto.

(2) The final plat on tracing cloth and 5 prints thereof together with copies of any deed restrictions where such restrictions are too lengthy to be shown on the plat, shall be submitted to the Commission. The final plat shall be drawn to a scale not more than 100 feet to the inch from an accurate survey and on 1 or more sheets whose maximum dimensions shall not exceed 24 inches by 36 inches. If more than 2 sheets are required, an index sheet of the same dimensions shall be filed showing the entire subdivision on 1 sheet and the component areas shown on other sheets.

(3) When the final plat conforms to the approved preliminary plan and the requirements of § 153.150 and other requirements have been accomplished, certification of this effect endorsed on the final plat by the Chairperson of the Commission and the final plat submitted to the Council for its approval or disapproval. Where the plat does not conform to the approved preliminary plan, the Commission shall submit its recommendations to the Council for approval or disapproval on the final plat. The Council shall not disapprove any plat which is basically in accord with the pre-approved preliminary plan for the same subdivision.

(B) *Information required.* The final plat and accompanying documents shall show:

(1) The boundary lines of the area being subdivided with accurate distances and angles. The corresponding legal description of the property being subdivided shall be shown on the plat, or on the accompanying certificate.

(2) The lines of all proposed streets and alleys and their widths.

(3) The accurate outline of any portions of the property intended to be dedicated or granted of public use.

(4) The line of departure of 1 street from another.

(5) The lines of all adjoining property and the adjoining streets with their widths and names.

(6) All lots shall be designated by numbers or letters and streets, avenues and other grounds by letters or numbers.

(7) The location of all easements provided for public use, services or utilities.

(8) All dimensions, both linear and angular, necessary for locating the boundaries of the subdivisions, lots, streets, alleys, easements, and other areas for public or private use. Linear dimensions are to be given to the nearest 1/100 of a foot.

(9) The radii, arcs or chords, points of tangency and center angles for a curvilinear streets and radii and rounded corners.

(10) The location of all survey monuments and their descriptions.

(11) The name of the subdivision and the scale of the plat, points of the compass, the name of the owner, owners or subdividers.

(12) The certificate of a registered Illinois Land Surveyor attesting the accuracy of the survey and the correct location of all monuments shown.

(13) Private restrictions and trusteeships and their periods of existence. Should these restrictions or trusteeships be of such length as to make their lettering on the plat impracticable and thus necessitate the preparation of a separate instrument, reference to such instrument shall be made on the plat.

(14) Calculations showing the error of linear closure which error shall in no case be greater than 1 in 5,000.

(15) Acknowledgement of the owner or owners to the plat, and restrictions including dedication to public use of all streets, alleys, parks or other open spaces shown thereon and the granting of easements required.

(16) Certificate of approval by the Council for endorsement by the City Clerk.

(C) *Acknowledgments.* Such plat and any accompanying documents shall be signed and acknowledged by the owner or owners of the land subdivided in the same manner and form as the acknowledgement of a deed conveying real estate, before some officer authorized to take the acknowledgement of deeds and shall contain a dedication of the streets, alleys and public grounds therein to the use and benefit of the public.

(D) *Surveyor's certificate.* The plat shall have appended thereto a survey made by a Registered Illinois Land Surveyor, with a certificate attached certifying that he or she has accurately surveyed such subdivision and attested to the accuracy of the survey and the correct location of all monuments shown, and that the lots, blocks, streets, avenues, alleys, public ways and grounds, and other grounds are well and accurately staked off and marked.

(E) *Approved plat filed with Recorder of Deeds.* When such map or plat is so prepared, acknowledged and certified, and has been approved by the Council, the same shall be filed and recorded in the office of the Recorder of Deeds, LaSalle County, Illinois, and thereupon such plat shall be equivalent to and operate as a deed in fee simple to the city from the owner of all streets, avenues, alleys, public ways and grounds and of such portions of lands as therein are set apart for public and city use.

(Ord. A-590, passed 9-15-1958)

§ 153.152 EXCEPTIONS.

Whenever the tract to be subdivided is of such unusual size or shape or is surrounded by such development or unusual conditions that the strict

application of the requirements contained in this subchapter would result in real difficulties or substantial hardship or injustice, the Council, after report by the Commission, may vary or modify such requirements so that the subdivider may develop his or her property in a reasonable manner, but so that at the same time, the public welfare and interests of the city and surrounding area are protected and the general intent and spirit of this subchapter is preserved. (Ord. A-590, passed 9-15-1958)

PLANNED UNIT DEVELOPMENTS

§ 153.160 PURPOSE.

Planned developments are intended to allow greater design flexibility than is permitted by the standard district regulations. A planned development can best adapt to the topography and other natural characteristics of a given site and result in a more economical and stable development. It is intended that these regulations will encourage and facilitate development which is consistent with the spirit and intent of this subchapter, be in conformity with the general character of the city and have a beneficial effect upon the health, safety, general welfare and stability of the city and its immediate environs than would develop under strict conformity with district regulations. Under certain conditions the permitted uses in district may be increased. Planned developments are of such substantially different character from other conditional uses that the following standards are established to guard against use of the planned development technique solely as a means of intensifying the use of land, and to provide flexibility that will stimulate sound and imaginative design.

(Ord. 1959, passed 5-22-2006)

§ 153.161 PREAMBLE.

In addition to the general purpose of this subchapter, the purpose of these provisions is to

establish standards and procedures for planned unit developments and is included in the Zoning and Subdivision Codes in order to achieve the following purposes:

(A) Encourage more creative design and development of land.

(B) Promote variety in the physical development pattern of the city.

(C) Provide flexibility in the development of land and in the design of structures located on the land, and permit planned diversification in the location of such structures that might not otherwise be achieved due to the strict applications of the Zoning Code.

(D) Diversification in the uses permitted and variation in the relationship of uses, structures, open spaces and heights of structures in developments conceived as cohesive unified projects.

(E) Provide for functional, aesthetic and beneficial uses of open areas. Preservation of natural features of the city. Preserving natural vegetation areas, topography and geologic features by using a creative and efficient use of land.

(F) Provide means for greater creativity and flexibility in environmental design than is provided under strict application of the requirements of other zoning districts, while at the same time preserving the health, safety, order, convenience, prosperity and general welfare of the city and its residents.

(G) Allow flexibility in development of land as necessary to meet changes in technology and demand what will be in the best interest of and consistent with the general intent of the comprehensive guide plan of the city.

(H) Provide for the more efficient allocation and maintenance by private initiative of useable open space to all residential and commercial areas and to allow the most efficient use of public facilities and land in keeping with the best interests of the city.

(I) To provide and allow for the development of property as condominiums amongst other types of appropriate development.

(Ord. 1959, passed 5-22-2006)

§ 153.162 DEVELOPMENT PLAN AND SPECIFICATIONS.

The design features and standards of development within each planned unit development shall, in addition to the regulations set forth within this subchapter, conform to a development plan, including details and specifications as may be required, which is reviewed by the Planning Commission with a recommendation to the Council and approved by the City Council. It is contemplated that planned unit developments will include modifications from otherwise existing zoning and subdivision requirements, and it is contemplated that in connection with the concept of planned unit developments, planned unit developments may be approved notwithstanding that the development would not otherwise be in conformance with the Zoning and/or Subdivision Code but for the developments approval as a planned unit development consistent with the terms and provisions set forth herein. The development plan shall include, as a minimum, the following:

(A) A written statement justifying the need for a planned development.

(B) *An accurate topographic and boundary line map of the project area and a location map showing its relationship to surrounding properties.

(C) *The pattern of public and private roads, driveways and parking facilities, and intended design standards. A traffic impact study may be required.

(D) *The size, arrangement and location of lots or of proposed building groups.

(E) Location, type and size of proposed landscaping.

(F) *The use, type, size and location of structures.

(G) The location of sewer and water facilities, and an analysis of the impact of the development upon the capacities of adjoining systems and upon treatment and supply facilities.

(H) The location of recreational and open space areas and areas reserved or dedicated for outdoor public uses such as school, park, etc., and open space to be owned and maintained by a property owner's association.

(I) Existing topography and storm drainage pattern and proposed storm drainage system showing basic topographic changes. Computations relating to storm water runoff and detention and retention are required and shall be submitted to the City Engineer.

(J) *Statistical data on total size of project area, area of useable open space, density computations and proposed number of residential units by type and other similar data pertinent to a comprehensive evaluation of the proposed development. Such data will also present the allowable density on the property under its existing underlying zone classification.

(Ord. 1959, passed 5-22-2006)

§ 153.163 PROCEDURE THROUGH PRESENTATION OF PRELIMINARY PLAN.

Pre-petition conference. Prior to official submittal of a petition for consideration of the planned development district, the petitioner shall meet with the city, including, but not limited to, the City Engineer and Building Inspector for a preliminary discussion as to the scope and nature of the proposed development.

(A) Following the preliminary consultation with the city staff, petition may be made to the City Council by the owner, or his agent, for the approval of a specific project plan under the provisions of these regulations, and for the application to the project area of the planned unit development.

(B) A copy of such application shall upon initial presentation by the City Clerk to the City Council be referred to the Planning Commission with a request to hold a public hearing. Such public hearing shall be held upon public notice and consistent with the other requirements of the Illinois Compiled Statutes.

(C) Upon filing such an application, the petitioner shall submit sufficient copies as determined by the City Engineer of those items specified in § 153.162, which are designated with an asterisk.

(D) Following review of these preliminary materials, the Planning Commission may suggest modifications to the plans prior to the public hearing and prior to requiring the submittal of the balance of the supporting documents specified in § 153.162.

(E) Following preliminary meetings with the petitioner and publication as required hereunder and pursuant to law, the Planning Commission shall hold the required public hearing. Within 45 days following the conclusion of the public hearing, which may be extended and recessed and take place on more than 1 occasion prior to being finally concluded, the Planning Commission shall forward their recommendations to the City Council.

(F) The City Council, upon report of the Planning Commission, and without the necessity of further public hearing, may, at a public meeting, grant or reject an amendment and petition for approval of a preliminary plan for a planned unit development district, or it may refer the matter back to the Planning Commission for further consideration consistent with such recommendations and/or other comments as the City Council within its discretion deems appropriate in the circumstances. Additionally, the City Council as a part and condition of its approval of any preliminary plan regarding any planned unit development may within its discretion require the developer to provide assurances to the city to guarantee the implementation of the development according to the terms and conditions established as a part of the development plan and/or may require the developer to enter into a contract with the city regarding guaranteeing and providing for the implementation of the development plan; the assurances and/or contract provisions may

include within the discretion of the Council but need not be limited to covering the following aspects of the planned development: use, standards and design of the project in confirmation with submitted documents; the timing and phasing of the project, it being contemplated that planned unit developments may be allowed to proceed in phases; the method guaranteeing the preservation of open space; the method and procedure for payment of annexation, utility and other city fees; the completion of required infrastructure improvements as contemplated by the proposed plan; bond requirements, if any, may within the discretion of the Council be imposed regarding providing assurance as to the completion of the plan; and conditions under which the plan, and if there is an agreement in reference to implementation of the plan, the contract may be terminated in the event of non-performance.

(G) In the case of a written protest against any petition for approval of preliminary plan of planned unit development petition and amendment is made by the required number of persons as indicated within the Illinois Consolidated Statutes, ILCS Ch. 65, Act 5, § 11-13-14 in reference to objections by owners of frontage property, specifically including written protests signed and acknowledged by owners of 20% of the frontage proposed to be altered or by the owners of 20% of the frontage immediately adjoining or by owners of 20% of the frontage directly opposite the frontage to be altered, is filed with the City Clerk and is otherwise in compliance with the provisions of the Illinois Consolidated Statutes in reference to such protests, the amendment shall not be passed except on the favorable vote of 2/3 of all members of all Aldermen then holding office.

(H) Failure to comply with the conditions and regulations as herein established and as specifically made applicable pursuant to any approval of a preliminary plan in regard to a planned unit development, shall be cause for termination of the approval of said planned unit development. At least 15 days notice shall be given to the developer to appear before the Planning Commission at a hearing of the Planning Commission which shall also be published in reference to notice at least 15 days in advance of said meeting to answer any charge of non-compliance. In

the event the Planning Commission should find the charges substantiated, the Planning Commission may recommend such termination of the project approval by the City Council if the situation is not satisfactorily cured within a reasonable period set forth by the Planning Commission.

(Ord. 1959, passed 5-22-2006)

§ 153.164 SUBSEQUENT CHANGES TO PRELIMINARY PLAN.

Any subsequent change or addition to an approved preliminary plan of a planned unit development shall first be submitted for review by the Planning Commission. A public hearing shall be held by the Planning Commission on appropriate notice. Following the public hearing, the Planning Commission shall make and forward recommendations to the City Council, and thereafter the City Council shall approve, approve conditionally or disapprove the proposed changes and/or may refer the matter back to the Planning Commission for further consideration pursuant to appropriate recommendations and comments as the City Council may, within its discretion, make in the circumstances.

(Ord. 1959, passed 5-22-2006)

§ 153.165 REQUIREMENTS FOR APPROVAL OF FINAL PLAN OF PLANNED UNIT DEVELOPMENT.

(A) No final or official plan of any planned unit development shall be approved unless the following provisions are complied with: that the improvements provided for in reference to the preliminary plan and the approval thereof, have been installed prior to request for approval of the final plan of planned unit development; or that the developer shall have filed with the City Council a bond with surety deemed sufficient by the City Council, within the discretion of the City Council, to ensure the construction of the improvements listed in this section in a satisfactory manner and within the period specified by this Council, or in the event the Council should not specify a specific period, for a period not to exceed 2 years. No such bond shall be accepted unless it is

enforceable by or payable to the city in a sum at least equal to the cost of constructing the improvements as estimated by the City Engineer and in form with surety and conditions approved by the City Attorney, the subdivider by having requested and secured approval of any preliminary plan of planned unit development shall by acceptance of the benefits of said approval be deemed to have agreed with the city that the city under the Local Improvement Act may construct improvements not appropriately and timely completed by the developer and assess the cost thereof against the developer and the premises benefited.

(B) The final plan of planned unit development and accompanying documents shall also show all requirements as indicated in reference to final plats of subdivisions as set forth within Ordinance Number A-590 with the exception of any items therein that as indicated within the preliminary plan approval would not be required of the planned unit development under consideration.

(C) In the event that the proposed final plan of the planned unit development conforms to the approved preliminary plan of planned unit development, and the other provisions regarding presentation and request for approval of such final plan as provided herein have been accomplished, certification to this effect shall be endorsed on the final plan by the chairman of the Planning Commission and the final plan for approval of planned unit development submitted to the City Council for its approval or disapproval. Where the final plan of planned unit development does not conform substantially to the approved preliminary plan, the proposed final plan of planned unit development shall be resubmitted to the Planning Commission for its recommendation as to the City Council for approval or disapproval of the final plan of planned unit development. The Council shall thereafter consider the recommendations of the Planning Commission and approve the plan, disapprove the plan, or refer the plan back to the Planning Commission with appropriate recommendations and/or comments as the Council within its discretion may deem appropriate in the circumstances. The City Council shall not disapprove any proposed final plan of planned unit development which is basically in accord with the

previously approved preliminary plan for the same development.

(Ord. 1959, passed 5-22-2006)

§ 153.166 CITY COUNCIL VOTE.

The approval of a preliminary plan of proposed planned unit development shall require a 2/3 favorable vote of the City Council.

(Ord. 1959, passed 5-22-2006)

§ 153.167 EXCEPTIONS AND WAIVERS; MODIFICATION OF REQUIREMENTS.

Whenever the premises involved in the plan unit development are of such unusual size or shape or are surrounded by such development or unusual conditions that the strict application of the requirements contained in this subchapter would result in real difficulties or substantial hardship or injustice, the Council, after report by the Planning Commission, may vary or modify such requirement so that the developer may develop the premises in a reasonable manner but so that at the same time, the public welfare and interest of the city and surrounding area are protected and the general intent and spirit of this subchapter preserved.

(Ord. 1959, passed 5-22-2006)

§ 153.168 ENFORCEMENT.

This subchapter may be enforced by the city pursuant to any remedies provided herein, further pursuant to injunctive relief as provided within the city Zoning Code. Additionally, any person or entity who violates, disobeys, omits, neglects or refused to comply with or who resists enforcement of any of the provisions of this subchapter, shall upon being found guilty, pay a fine not less than \$60 nor more than \$500 for each offense. Each day that a violation is permitted to exist shall constitute a separate offense. This subchapter may be enforced as against developers, owners of premises involved and/or occupiers of premises involved.

(Ord. 1959, passed 5-22-2006)

§ 153.999 PENALTY.

(A) *Generally.* Whoever violates any provision of this chapter for which another penalty is not specifically provided, shall be fined not more than \$750 for each and every violation thereof, and every day the violation continues shall constitute a separate offense.

(B) *Injunctive relief.*

(1) In case any building or structure is constructed, reconstructed, altered, repaired, converted, or maintained or any building, structure, or land is used in violation of §§ 153.001 through 153.127, the city or any owner or tenant of real property in the same contiguous zoning district as the building or structure in question, in addition to the other remedies, may institute an appropriate action or proceeding:

(a) To prevent the unlawful construction, reconstruction, alteration, repair, conversion, maintenance or use.

(b) To prevent the occupancy of the building or structure or land.

(c) To prevent any illegal act, conduct, business or use in or about the premises, or

(d) To restrain, correct or abate the violation.

(2) When any such action is instituted by an owner or tenant, notice of such action shall be served upon the municipality at the time the suit is begun, by serving a copy of the complaint on the chief executive officer of the municipality, no such action may be maintained until such notice has been given.

(3) In any such action or proceeding, the court with jurisdiction thereof has the power and in its discretion may issue a restraining order, or a preliminary injunction, as well as a permanent injunction, upon such terms as under such conditions as will do justice and enforce the purposes of §§ 153.001 through 153.127.

(C) (1) Any person upon whom a duty is placed by the provisions of this § 153.145 *et seq.* who fails, or neglects or refuses to perform such duty or who shall violate any of the provisions of this § 153.145 *et seq.* shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be fined in any sum not to exceed \$100, and shall stand committed to jail until such fine and costs of prosecution are paid.

(2) Each day that a violation of this § 153.145 *et seq.* continues shall be constitute a separate and distinct offense and shall be punishable as such.

(Ord. A-590, passed 9-15-1958)

CHAPTER 154: VACANT BUILDINGS

Section

- 154.01 Findings
- 154.02 Abrogation and greater restrictions
- 154.03 Definitions
- 154.04 Declaration of vacant buildings
- 154.05 Obligation to register vacant buildings
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- 154.07 Registration fee
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§ 154.01 FINDINGS.

(A) The City of LaSalle through its City Council has the authority to adopt ordinances and to promote rules and regulations that pertain to its government and affairs, and protect public health, safety and welfare of its citizens; and

(B) The City of LaSalle additionally has police power and the powers of a home rule municipality within the State of Illinois; and

(C) Pursuant to law including but not limited to ILCS Ch. 65, Act 5, § 11-60-2, the City of LaSalle has the authority to define, prevent and abate nuisances; and

(D) Vacant buildings have caused significant problems for the city including but not limited to flooding caused by frozen pipes during cold weather, posing property maintenance issues, and those buildings not properly maintained presenting code violations, and/or becoming dilapidated and unsafe; and

(E) It is an intent of this chapter to protect the public health, safety, and welfare by establishing a registration process for vacant buildings, and is also in furtherance of preventing and/or abating public nuisance, to prevent deterioration, unsightly blight and consequent adverse impact on the value of nearby property, and to further have owners of vacant buildings abide by other appropriate responsibilities pursuant to regulation as provided herein; and

(F) It is the intent that this chapter should be liberally construed in order to justly carry out and effectuate the intent and purposes of this chapter; and

(G) The City Council of the City of LaSalle has determined that it is in the best interests of the City of LaSalle and its citizens and further an appropriate exercise of the City of LaSalle's municipal powers, including, but not being limited to, those set forth above in reference to the police power, home rule power, power to promote and protect the public health, safety and welfare, and the power to define, prevent and abate nuisances that this chapter establishing further regulations of vacant buildings be enacted.

(Ord. 2246, passed 10-4-2010)

§ 154.02 ABROGATION AND GREATER RESTRICTIONS.

This chapter shall not be construed to prevent the enforcement of other laws, codes, ordinances and regulations which prescribe standards other than are provided herein, and in the event of conflict, the most restrictive shall apply; additionally all remedies provided to the city herein shall be in addition to and not to the exclusion of any and all other remedies allowable at law and/or in equity.

(Ord. 2246, passed 10-4-2010)

§ 154.03 DEFINITIONS.

For the purposes of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

BUILDING. A structure built for the support, shelter, occupancy, or enclosure of a person, a person's animals, chattels, or moveable property of any kind and which is permanently affixed to the ground.

BUILDING INSPECTOR. The appointed **BUILDING INSPECTOR** of the City of LaSalle; or if there is at any time no individual occupying and holding the position of **BUILDING INSPECTOR**, then until such time as the position of **BUILDING INSPECTOR** shall be filled, the Superintendent of Public Works shall be the **BUILDING INSPECTOR**.

EXTERIOR PROPERTY AREAS. The open space on the premises and on adjoining property under the control of owners or operators of such premises.

MAINTENANCE. Acts of repair and other acts to maintain the premises in conformity with all codes of the City of LaSalle and/or to prevent a decline in the condition of grounds, structures, and equipment; such that the condition does not fall below the standards established by this code and all other applicable statutes, codes and ordinances of the City of LaSalle including but not limited to those codes set forth within Chapters 150 (Building Regulations), 151 (Floodplain Damage Prevention), 152 (Residential Rental Property), 153 (Zoning) and 91 (Nuisances) of this code.

OCCUPANT. Any person (including domestic service employees) living and/or sleeping in a building and/or having possession of a space within a building.

OPERATOR. Any person who has charge, care or control of a structure or premises which is let or offered for occupancy.

OWNER. Any person, agent, agent, operator, firm, or corporation having a legal or equitable interest in the property; or recorded in the official

records of the state, county or municipality as holding title to the property; or otherwise having control of the property, including the guardian of the estate of any such person, the executor or administrator of the estate of such person if ordered to take possession of real property by a court and/or otherwise pursuant to law, and any mortgagee of the premises in possession and/or control of the premises.

PERSON. An individual, corporation, partnership, co-partnership or limited liability company, as well as an individual.

PREMISES. A lot, plot or parcel of land including the buildings or structures thereon.

PUBLIC NUISANCES. Include the following:

(1) The physical condition, or use of any premises regarded as a public nuisance at common law, under the Illinois Compiled Statutes, or under the City of LaSalle Code of Ordinances, including in that regard, but not limited to, Chapter 91 of the City of LaSalle Code of Ordinances regarding nuisances and the other provisions contained within Chapter 150 of the building regulations chapter of the City of LaSalle Code of Ordinances; or

(2) Any physical condition, use or occupancy of any premises or its appurtenances considered an attractive nuisance to children, including, but not limited to, abandoned wells, shafts, basements, excavations, and unsafe fences or structures; or

(3) Any building which has unsanitary sewage or plumbing facilities; or

(4) Any building designated by the Building Inspector as unsafe for human habitation or use; or

(5) Any building which constitutes a fire hazard, or is unsafe or insecure to a degree that endangers life, limb or property; or

(6) Any premises which is unsanitary or which is littered with rubbish or garbage, or which has an uncontrolled growth of weeds; or

(7) Any building that is: dangerous; in a state of dilapidation; deterioration or decay.

RUBBISH. Combustible and noncombustible waste materials, except garbage, and the term shall include the residue from the burning of wood, coal, coke and other combustible materials, paper, rags, cartons, boxes, wood, excelsior, rubber, leather, tree branches, yard trimmings, tin cans, metals, mineral matter, glass crockery and dust and/or other similar materials.

VACANT.

(1) **VACANT BUILDING** means any building, which is:

- (a) Unoccupied and unsecured; or
- (b) Unoccupied and secured by boarding or other similar means; or
- (c) Unoccupied and a dangerous structure; or
- (d) Unoccupied and condemned by the Building Inspector pursuant to applicable law; or
- (e) Unoccupied and has 4 or more municipal code violations; or
- (f) Unoccupied and the building or its premises has been the site of unlawful activity within the previous 6 months; or
- (g) Condemned by the Building Inspector and unlawfully occupied; or
- (h) Unoccupied for over 90 days and during which time the Building Inspector has issued a notice to correct 4 or more code violations, including, but not being limited to alleged violations of Chapter 150 of the City of LaSalle Code of Ordinances (Building Regulations) and/or violations of city ordinances regarding nuisances, including, but not limited to, Chapter 91; or

(i) Unoccupied for more than 6 consecutive months;

(j) Metered for city water, but concerning which the city water has been shut off for more than 90 days.

(2) **VACANT BUILDINGS** shall not include unoccupied buildings which are undergoing construction, renovation or rehabilitation and which are in compliance with all applicable city ordinances, codes and regulations and for which construction, renovation or rehabilitation is proceeding diligently to completion.

(Ord. 2246, passed 10-4-2010)

§ 154.04 DECLARATION OF VACANT BUILDINGS.

(A) *Evaluation.* The Building Inspector may evaluate buildings in the city as to whether a building meets the definition of a vacant building and based on vacancy factors, make a declaration of a vacant building. The declaration shall be in writing and shall state the factual basis. Additionally, in the event any public nuisance as defined herein exists in connection with the building or premises, then the Building Inspector may additionally specify in the notice the existence of such nuisance(s).

(B) *Notice.* Within 7 days of making a declaration, the Building Inspector shall send notice of the declaration with the factual findings to the owner. The notice of declaration shall be sent by certified mail, return receipt requested, or by personal substitute service, and posted on a conspicuous location on the building. Proof of mailing shall be *prima facie* evidence of receipt of the notice. The notice shall contain a statement of the obligations of the owner of a building determined to be a vacant building, a copy of the vacant building registration application, and a notice of the owner's right to appeal the Building Inspector's decision.

(C) An owner of a building determined by the Building Inspector to be a vacant building as provided

for in this section may appeal the declaration to the Zoning Board of Appeals. Such appeal shall be in writing and shall be filed with the City Clerk within 21 days of the date of mailing of the notice of declaration. The filing of an appeal stays the owner's obligation to register the building. The appeal shall contain a complete statement of the reasons the owner disputes the declaration, shall set forth specific facts in support thereof, and shall include all evidence the owner relies upon to support the appeal. The City Clerk shall set the matter for hearing before the Zoning Board of Appeals and provide at least 15 days' written notice to the owner of the date of the hearing.

(D) *Grounds for appeal.* An appeal of the declaration of vacant building shall be based solely on whether the building is deemed to be a vacant building.

(E) *Decision.* The Zoning Board of Appeals shall decide the appeal after a hearing. The City Clerk shall send written notice of the decision to the owner within 15 days after the hearing.
(Ord. 2246, passed 10-4-2010)

§ 154.05 OBLIGATION TO REGISTER VACANT BUILDINGS.

(A) Except as provided in division (B) below, whenever any building in the city is vacant as defined within this chapter or declared vacant by the Building Inspector of the City of LaSalle as provided within this chapter, then the owner of such building shall, within 10 days of the occurrence of the first of the aforementioned events to occur, register such building as a vacant building and submit a vacant building plan; also provided that no registration shall be required prior to November 1, 2010.

(B) The Building Inspector shall have the discretion to determine that a building which meets any of the criteria set forth in the definition of vacant building as provided herein is not to be regulated under this chapter for a stated period if upon consideration of reliable, substantiated and sufficient evidence, the Building Inspector determines that the circumstances, which give rise to the building being

eligible for regulation hereunder are clearly temporary in nature and are either in the process of being addressed or will soon be addressed by the owner and that therefore regulation of the building under this chapter would not serve the public health, welfare and safety and makes written findings in support of the Building Inspector's decision. The determination shall be in writing and shall state the factual basis for the determination. Notice of the determination shall be provided in writing by the Building Inspector to the person designated by the County of LaSalle as receiving the real estate tax bill regarding the premises.

(Ord. 2246, passed 10-4-2010)

§ 154.06 APPLICATION FOR VACANT BUILDING REGISTRATION.

The owner of a vacant building as defined herein in registering the vacant building as provided herein shall supply the following information in writing, with the applicable registration fee:

(A) The name, address and telephone number of the owner.

(B) The name, address and telephone number of any local agent or representative.

(C) The name, address and telephone number of all persons with any legal and/or equitable interest in the property, building and premises.

(D) An emergency contact name and telephone number.

(E) The legal description and property identification number (PIN) of the premises on which the building is situated.

(F) The common address of the building.

(G) The type and location of any toxic, flammable or hazardous materials stored or used at the location, if any.

(Ord. 2246, passed 10-4-2010)

§ 154.07 REGISTRATION FEE.

(A) The fee to register a vacant building shall be \$96 per year based upon a fiscal year commencing May 1 of each year and terminating on April 30 of each year payable in advance to the city at the time of submittal of a completed application for registration of a vacant building but for all registrations commenced at any time to be pro-rated of \$8 per month for the number of months or parts of months between the date of initial registration and May 1. A partial month have the same registration fee as a full month for purposes of the pro-ration.

(B) An owner shall be required to annually re-register the vacant building on or before May 1 of each year as long as the building remains vacant as defined herein and shall pay the renewal registration fee of \$96. A reminder letter may be sent by the Building Inspector, through the Office of the Comptroller, prior to the expiration date regarding the requirement to re-register the vacant building and payment of the renewal registration fee. However, the failure to receive an expiration notification is not a defense for the failure to re-register the vacant building.

(C) Additionally, the registration of a vacant building is not intended to and shall not preclude action by the City of LaSalle in reference to pursuit of all remedies as may be available at law and/or in equity in reference to enforcement of all city codes, ordinances and state law.

(D) Additionally, in the event that a vacant building registration fee shall be paid for a particular premises and in the further event that the same premises shall then become occupied as a premises to which the City of LaSalle Rental Ordinance Number 2206 would apply, then in that event, any portion of that which would otherwise have been paid prospective vacant building registration fee for that premises for that fiscal year shall be allowed to be applied pro rata as a credit towards the fee that would otherwise be due and payable under the Rental Licensing Ordinance Number 2206. (For example, in the event that a building shall be declared vacant and

subject to this chapter on July 1 of a respective year thus resulting in a required payment of \$80 pursuant to this chapter regarding the regulation of vacant buildings and in the further event that the premises should then be rented in December of the respective year, then in that event, the rental licensing fee that would otherwise then be due for that year through October of the following year shall not be due because the amount of the credit provided hereunder as to the rental license fee would exceed the rental licensing fee that would otherwise be due under Chapter 152 [\$30]). This credit shall only be allowed to be applied for any given year to 1 year's rental licensing fee that would otherwise be due.

(Ord. 2246, passed 10-4-2010)

§ 154.08 CHANGES IN REGISTRATION INFORMATION.

An owner shall notify the Building Inspector within 21 days of any change in the registration information by filing an amended registration statement on an application provided by the Building Inspector. A new registration is required for any change in ownership whatsoever. The registration statement shall be deemed *prima facie* proof of the statements therein contained in any administrative enforcement proceeding or court proceeding instituted by the city in reference to the building and/or the premises on which the building is located.

(Ord. 2246, passed 10-4-2010)

§ 154.09 ADDITIONAL RESPONSIBILITIES OF OWNER.

(A) An owner of any vacant building shall enclose and secure the building and maintain the building in a secure and closed condition until the building is no longer a vacant building as defined herein. A building shall be deemed secured and closed if the building is maintained pursuant to the minimum standards as set forth in the building regulations codes of the City of LaSalle as more particularly set forth both herein and within Chapter 150 of the City of LaSalle Code of Ordinances.

(B) Additionally, the owner of any vacant building shall also:

(1) Keep the premises on which a building is located clean, safe and sanitary, maintained free of weeds, trash, junk, debris, junk cars, and litter.

(2) Keep the property maintained free of graffiti, tagging, or similar markings.

(3) Keep pools and spas in working order so that the water is not stagnant and remains clear and free of pollutants, debris and insects, or drained and kept dry.

(4) Post on the front door of the building in a conspicuous manner an emergency contact name and telephone number for use by the police, paramedics, Fire Department or other emergency responders.
(Ord. 2246, passed 10-4-2010)

§ 154.10 PROMULGATION OF RULES AND REGULATIONS.

The Building Inspector in consultation with the Mayor, Chief of Police and Superintendent of Public Works may jointly issue lawful, usual and customary rules and regulations for the administration of this chapter. These rules may designate materials and methods to assist in the registration process and may additionally designate materials and methods to be used to secure a building.
(Ord. 2246, passed 10-4-2010)

§ 154.99 PENALTY.

(A) The city shall send a notice to the owner by certified mail, return receipt requested, or by personal or substitute service, for the failure to complete a vacant building registration application, register the vacant building, and/or pay the registration fee for a vacant building. Each shall constitute a separate violation. Proof of mailing of the notice shall be *prima facie* evidence of receipt of the notice. The owner

shall have 21 days in which to complete a vacant building registration application, register the vacant building and/or pay the registration fee for a vacant building as set forth in the notice; if the violation is not resolved within 21 days, the fine amount shall be the amount of the registration fee due and owing plus not less than \$100 and not more than \$750 for each violation; additionally, in the event that the city is required to perform a search to ascertain the owner, the owner is responsible to reimburse the city for the costs. Further, an owner who fails to re-register the vacant building and/or pay the renewal registration fee as provided herein shall be subject to the same penalties as set forth above in connection with an owner who originally fails to complete a vacant building registration application, register the vacant building and/or pay the registration fee for a vacant building.

(B) Additionally, any person who violates any other provision of this chapter shall be fined not less than \$60 and not more than \$750 for each offense, and each day that a violation occurs shall constitute a new and additional offense in violation of this chapter. Further, again, the remedies as provided herein are in addition to all other legal and/or equitable remedies available to the City of LaSalle. Such other remedies include, but are not limited to, injunctive relief, application to a court of competent jurisdiction for receiver, demolition, or condemnation, contracting for the repair or purchase of the premises, or foreclosure of any lien that the city may have thereon. Each day that a violation of this chapter shall be permitted to continue shall constitute a separate offense in violation.
(Ord. 2246, passed 10-4-2010)